

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF DECEMBER 15, 2003

(Published December 20, 2003, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
December 15, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held 11/21/03 and the adjourned session held 12/08/03. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269235)

Lot Division: 1719 Glenwood Av N.

Augustana Chapel View Homes, Inc: Grant preliminary & final approval to issue taxable and tax-exempt housing facilities revenue bonds.

Single Family Housing Program & Recycling Program: Approve 2004 Single Family Housing Program and new program to assist buyers.

Minneapolis/St. Paul Finance Board: Approve amendment to By-Laws & Joint Powers Agreement to transfer MCDA activity to the City.

Consent to Sale of Hennepin County Actions: Consent to sale of 111 E Franklin Av and 2007 Stevens Av S for the Franklin Lofts Housing Project, and consent to Hennepin County 's provision of funding for a housing project within the W Lowry Redevelopment Project Area.

Tax Forfeited Property: Classification certain properties as non-conservation, withhold six parcels from public and private sale and convey to the MCDA and release five parcels for public auction.

Parcel E Liner Property (Washington Av & Chicago Av S): Grant exclusive development rights to David Bernard Builders.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269236)

Tax Exempt Revenue Bonds: Authorize certain actions throughout 2004 to utilize tax-exempt revenue bond financing for various City industrial/manufacturing projects.

Housing Revenue Bonding Authority: Approve carry forward of City's housing revenue bonding authority for multifamily projects.

Affordable Housing Trust Fund Program: Consider funding for eleven affordable rental projects.

River Terminal: Increase appropriation to fund operating deficit in 2003, transfer funds to provide funding, approve revised 2003 Operating Budget, approve 2004 Operating Budget, and authorize execution of contract with River Services, Inc. as terminal operator.

HEALTH AND HUMAN SERVICES:

CIVIL RIGHTS (269237)

Complaint Investigation Unit: Year to date report.

HEALTH AND FAMILY SUPPORT SERVICES (269238)

Decreasing Barriers to Contraceptives in School Based Clinics: Summary of Study Findings.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (269239)

University of Minnesota Internships: Execute five-year agreement with U of M, School of Public Health, to allow placement of public health graduate students in Health Department as internships are available.

Weed and Seed Initiative: Authorize designate Interim Commissioner of Health, Ken Dahl, as authorized City contact for implementation of Initiative; and as the official signatory of documents.

MAYOR (269240)

Civil Rights Commission: Approve appointments/reappointments of Sonya Dunwald Peterson; Daniel Lew; Maya C. Sullivan; Kenneth E. Brown; Cordell Lee Jung.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (269241)

After School Programming: Accept two-year grant award of \$130,000 and execute grant agreement with Minnesota Department of Public Safety to provide after school programming in area of media production and investigation through Phillips Community Television; Execute contract with Phillips Community Television; and Approve appropriation.

Crime Reduction and Community Leadership: Accept two-year grant award of \$175,000 and execute grant agreement with Minnesota Department of Public Safety to implement Citizen Street Patrols in Minneapolis neighborhoods, and community leadership development through Mad Dads; Execute contract with Urban Ventures; and Approve appropriation.

School Readiness and Early Literacy: Accept \$28,000 from Youth Coordinating Board to provide books for children ages 0-4 years; and Approve appropriation.

Twin Cities Healthy Start Project: Authorize apply for continuation grant seeking \$925,000 from United States Department of Health and Human Services for Year IV Twin Cities Healthy Start Project.

INTERGOVERNMENTAL RELATIONS:

FIREFIGHTERS' RELIEF ASSOC. (269242)

Annual Pension Fund Report: Legislative bill.

TEACHERS' RETIREMENT FUND ASSOC. (269243)

Annual Pension Fund Report: Short history of MTRFA funding and summary of supplemental contributions.

INTERGOVERNMENTAL RELATIONS (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (269244)

St Anthony Falls Hydropower Project: Authorize programmatic agreement.

PUBLIC SAFETY AND REGULATORY SERVICES:

FIRE DEPARTMENT (269245)

2004 Work Plan.

POLICE DEPARTMENT (269246)

Racial Profiling Study: Action Plan.

REGULATORY SERVICES (269247)

2004 Work Plan.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

FIRE DEPARTMENT (269248)

Recreational Fires: Ordinance amending Title 9 of Code relating to Fire and Police Protection adding a new Chapter 178 relating to Recreational Fires, clarifying regulations for recreational fires.

INSPECTIONS DEPARTMENT (269249)

Housing: Ordinance amending Title 12, Chapter 244 of Code relating to Housing: Maintenance Code, providing a fair fee schedule for Associations; requiring all registered rental/s within Condominium, Co-operatives, Townhomes and Leasehold Cooperatives to be licensed under single ownership; and providing provisional licensing for single family conversions from homestead to rental.

LICENSES AND CONSUMER SERVICES (269250)

Mourado's Liquors (2426 2nd St NE): Grant Off-Sale Liquor License, subject to conditions.

Licenses: Applications.

POLICE DEPARTMENT (269251)

Latino Crime Prevention Grant: Amend grant agreement with State of Minnesota to extend performance period to allow Police Department to expend all available grant funds.

Alcohol Compliance Check Program: Approve 2004 Program.

POLICE DEPARTMENT (269252)

Police Mediation Agreement: Accept and approve agreement.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (269253)

Minnesota Equipment and Training Grant: Transfer \$5,000 from Police Department to Fire Department for Weapons of Mass Destruction Training and regional combination of a chemical/biological exercise.

Thermal Imaging Systems: Accept \$20,500 from Neighborhood Revitalization Program, McKinley Neighborhood Association, for Fire Department to purchase two Thermal Imaging Systems; and Approve appropriation.

POLICE DEPARTMENT (269254)

Redeemer Center for Life: Amend Council Action passed October 10, 2003 to change name from St. Phillip's Community Outreach Project to St. Phillip's/Redeemer Initiative; and execute agreement with Redeemer Center for Life to accept up to \$104,000 to fund salary of a Crime Prevention Specialist for two-year period; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (269255)

Public Works Asphalt Plant: Update on the status of the asphalt plant.

I-35W/Trunk Highway: Update by the Minnesota Department of Transportation (MnDOT) & SRF Consulting Group on the status of the I-35W/Trunk Highway 62 Commons Area project, and a copy of the Advisory Committee minutes from the 9/26/01 & 12/4/01 meetings.

Fire Station No 13: Set public hearing for 12/16/03, regarding the sale of the former Fire Station at 4201 Cedar Av S.

Xcel Energy (269256)

Xcel Energy/NSP: Installation of various poles, wires, and street lighting.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (269257)

Special Assessment Deferment: Approve special assessment deferment for sewer line repair & street improvement assessments for 2125 Dupont Av N.

Hiawatha Light Transit Vertical Clearance Routes: Passage of Resolutions: a) Rescinding Resolution 86R-147, & b) Establishing vertical clearance routes on certain City streets.

American Indian Center Renovation Construction: Authorize Change Orders No 1 & 2, increasing contract with Braden Construction, Inc.

Nicollet Mall Advisory Board: Approve resignation of E. B. Gill & appointment of Dan Kupfer, remaining term to expire 12/31/04.

Quit Claim Deed (Heritage Park): Authorize Quit Claim Deed to the Heritage Housing, LLC to clear title to vacate Howell Drive.

Street Easement (Hillcrest Development): Accept easement deed from Hillcrest Development for future street development along the south side of Broadway Street NE.

Routine Maintenance Agreement for Certain Trunk Highways & Bridges: Passage of Resolution authorize execution of agreement between MnDOT & the City for routine maintenance activities effective 7/1/03 through 6/30/05.

Heritage Park Project - Van White Boulevard (Condemnation): Passage of Resolution authorizing to file condemnation proceedings for right-of-way activities.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET:

PUBLIC WORKS AND ENGINEERING (269258)

Residential Parking Program: Public Works will use the \$11,500 (Ward 13 allotment) for the West 50th St and Bryant Av S Parking Study.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (269259)

Pump Station No 5 (Water Works Fridley): Authorize execution of amendment with Short Elliott Hendrickson, Inc. for changes to the scope of design and length of construction phase services.

Bassett Creek Valley area of Van White Boulevard (Funding): Authorize execution of agreements with State of Minnesota for use of federal aid funds, and passage of Resolution appointing the Minnesota Commissioner of Transportation as Agent of the City to accept federal aid funds.

WAYS AND MEANS BUDGET:

ASSESSOR (269260)

City Assessor 2004 Work Plan.

ATTORNEY (269261)

City Attorney 2004 Work Plan.

COORDINATOR (269262)

City Coordinator 2004 Work Plan: Executive summary.

Greater Minneapolis Convention & Visitors Association (GMCVA): Quarterly Performance Report, 3rd Quarter of 2003.

PURCHASING (269263)

Staff Purchasing Letters.

REGULATORY SERVICES (269264)

Inspections Services in the Fire Department: Adjust Mayor's budget to transfer funds back to Regulatory Services for environmental inspections.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (269265)

Reimbursement of Legal Fees: Approve request of Officers Mark Johnson, Lucas Peterson, Mark Bohnsack and James Boyd.

Legal Settlements: Claims of Sustainable Resources Center, Inc. and Shyanna Freeman.

BUSINESS INFORMATION SERVICES (269266)

Citizen Relationship Management/Work Order Management System: Issue request for proposals for professional services to implement plan to improve citizen outreach and response.

COORDINATOR (269267)

Greater Minneapolis Convention & Visitors Association (GMCVA): Renew contract for five year period for sales and marketing services.

Convention Events Funding: Accept contributed funds to be used for event services.

Paper Reduction Project Grant: Accept grant from Hennepin County and execute professional services agreement with Materials Productivity, LLC for City paper reduction project.

New Central Library Project: Accept low bid of LeJeune Steel Co. for structural steel.

FINANCE DEPARTMENT (269268)

Bond Liquidity Provider: Authorize release and termination of standby bond purchase agreements with Bayerische Hypo- und Vereinsbank, AG.

Certified Managed Care and Employment Services Contract: Extend contract with CorVel Corporation.

HUMAN RESOURCES (269269)

Sick Leave Ordinance: Approve amendment to comply with regulations of the Internal Revenue Service regarding payment for unused sick leave.

Insurance Benefit Discontinuance: Discontinue participation by the Center for Energy & Environment in the City health and benefits plans.

Voluntary Employee Beneficiary Association (VEBA): Adopt plan and execute trust agreement with Manufacturers and Traders Trust Company.

Minneflex Administration Contract: Execute agreement with Administration Resources Corporation.

Long Term Disability Insurance: Execute contract with ING.

Benefits for Employees on Reduced Hours or Unpaid Leave: Establish system to allow employees to under the Public Employees Retirement Association, police or fire plans to enter into a voluntary hour reduction plan and continue accumulation of retirement benefits.

ZONING AND PLANNING (See Rep):

ARTS COMMISSION (269270)

Mpls Plan for Arts & Culture: Consultant contract with AMS Planning & Research.

PLANNING COMMISSION/DEPARTMENT (269271)

Appeals:

Sven Gustafson, for Aaron & Andrea Switz (3630 Zenith Ave S);

David Choate, for Dinkytown McDonald's (407-15th Ave SE);

Isidro Perez (2741 Blaisdell Ave);

Harold Cottle (re Dayax Ahmed & Mohammud Norr, dba Kulan Café House, 120 1/2 W Lake St);

Abdiwahab Mohamed (re Sabri Commons Phase II, 3013-33 - 2nd Ave S).

Rezoning Applications:

Everado Morfin & Abdiwahab Mohamed (re Sabri Commons Phase II, 3013-33 - 2nd Ave S);

Mpls Park & Recreation Board (2117 W River Rd);

Todd Cushman (3639-1st Ave S);

Paul Schoenecker (1728 W Lake St);

Timothy Baylor, for JADT Development Group (re Riverview Homes V, 70-72 N 22nd Ave).

PLANNING COMMISSION/DEPARTMENT (269272)

Marcy-Holmes Neighborhood Master Plan.

FILED:

CITY CLERK/SPECIAL PERMITS (269273)

44th Av N between Humboldt to Penn/Osseo (Holiday on 44th) horses & wagons;
Cedar Lake Pkwy, 2214 (Black-Shadow's Kennel, Farms & Carriages) horses & carriages;
Hennepin Av & Lake area, (Uptown Assn) horses & carriages;
Nicollet Mall (Johmar Farms) horse & sleigh for Holidazzle Parade;
Penn Av S, 6024 (Johmar Farms) reindeer;
South Cedar Lake Rd, 411 (Saturnalie Festival) horses & wagons;
Washington & 3rd Avs S (Johmar Farms) horses & carriages;
Washington Av S, 500 (Nordquist Sign) sign;
West Broadway, 1905 (Signs by KSG Inc) sign.

PUBLIC WORKS AND ENGINEERING (269274)

Fire Truck Contract Amendment: Amend contract with General Safety Equipment to purchase two units. (see T&PW report 11/21/03)

The following reports were signed by Mayor Rybak on 12/16/03, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev- Your Committee, having under consideration division of a lot located at 1719 Glenwood Av N, as set forth in Petn No 269235, and having held a public hearing thereon, now recommends passage of the accompanying resolution approving the division, waiving the requirement of a subdivision plat; and further that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Resolution 2003R-573, approving division of a lot located at 1719 Glenwood Av N, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-573

By Goodman

Approving the subdivision of a lot at 1719 Glenwood Avenue North.

Whereas, the Minneapolis Community Development Agency (MCDA) has requested that a parcel of land located at 1719 Glenwood Avenue North and legally described as:

The North 138 feet of the East 42 ½ feet of that part of Lot 15 lying North of 3rd Avenue North, Auditor's Subdivision of. 26, Hennepin County.

be subdivided as follows:

Parcel A:

The North 138 feet of the East 42.5 feet of that part of Lot 15 lying North of 3rd Avenue North, Auditor's Subdivision No. 26, Hennepin County, Minnesota, EXCEPT the East 2.0 feet thereof.

Parcel B:

The East 2.0 feet of the North 138 feet of the East 42.5 feet of that part of Lot 15 lying North of 3rd Avenue North, Auditor's Subdivision No. 26, Hennepin County, Minnesota.

Whereas, the MCDA intends to convey the subdivided Parcel B listed above to the owner of the adjacent property at 1715 Glenwood Avenue North described as follows:

The North 145 feet of Lot 16, Auditor's Subdivision No. 26, Hennepin County, Minnesota.

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on November 21, 2003, a public hearing on said subdivision and proposed sale was duly held in a joint meeting of the Community Development Committee of the City Council and the Operating Committee of the MCDA at 1:30 p.m., December 2, 2003, in Room 319, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the division of the above-described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Comm Dev - Your Committee, having under consideration the issuance of revenue bonds for Augustana Chapel View Homes, Inc. to refinance the outstanding balances on their Series 1992 and Series 1993 Bonds and to finance a variety of renovations and remodeling of their facilities at 1509 10th Av S, 1020 E 17th St, 1510 11th Av S and 1425 10th Av S, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$10,000,000 in Taxable and Tax-exempt 501(c)(3) Housing Facilities Revenue Bonds for the Augustana Chapel View Homes project.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Resolution 2003R-574, giving preliminary and final approval to the issuance of up to \$10,000,000 in Taxable and Tax Exempt 501(c)(3) Housing Facilities Revenue Bonds for the Augustana Chapel View Homes project, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-574

By Goodman

Authorizing And Providing for the Issuance and Sale of Housing Facilities Revenue Bonds Pursuant to Minnesota Statutes, Sections Chapter 462c, as amended, at the request of Augustana Chapel View Homes, Inc., and Approving the Forms of Documents Required in Connection Therewith.

Resolved by The City Council of The City of Minneapolis, Minnesota (the "City" or the "Issuer"), as follows:

1. Authority. Pursuant to Minnesota Statutes, Sections Chapter 462C, as amended (the "Act"), the Issuer is authorized to issue revenue bonds and refunding revenue bonds and sell such bonds at public or private sale as may be determined by the governing body to be most advantageous; and to loan the proceeds of such bonds to provide financing and refinancing for multifamily housing developments for elderly persons, all as further provided in the Act, and to refund bonds previously issued therefor under the Act. Such bonds are authorized to be secured by a pledge of the revenues to be derived from a loan agreement with the borrower of such proceeds, and by such other security devices as may be deemed advantageous. Under the provisions of the Act, such bonds shall be

special, limited obligations, and shall not constitute an indebtedness of the issuer thereof, within the meaning of any state constitutional provision or statutory limitation, nor give rise to a pecuniary liability of the issuer or a charge against its general credit or taxing powers.

2. The Bonds and the Project. Augustana Chapel View Homes, Inc., a Minnesota nonprofit corporation (the "Borrower") has proposed to undertake a project consisting of the acquisition and construction of improvements to its existing elderly housing facilities located at 1510 Eleventh Avenue South, 1425 Tenth Avenue South, 1509 Tenth Avenue South, and 1020 East Seventeenth Street in the City of Minneapolis, each of which facilities constitutes a multifamily housing development for elderly persons, within the meaning of the Act (such facilities collectively referred to as the "Project Facilities"), together with the acquisition and installation of equipment and furnishings therein (such improvements sometimes collectively referred to as the "2004 Project" or the "Project"), and has further proposed that the Issuer cause to be refunded in full certain outstanding revenue bonds previously issued by the Issuer with respect to the Project Facilities (such outstanding revenue bonds collectively referred to as the "Refunded Bonds"), which Refunded Bonds consist of the outstanding Housing Facilities Refunding Revenue Bonds (The Augustana Home of Minneapolis 1510 Apartments Project), Series 1992 (the "Series 1992 Bonds"), and the outstanding Housing Facilities Refunding Revenue Bonds (Augustana Chapel View Homes, Inc. Park Center North Project), Series 1993 (the "Series 1993 Bonds"). The Borrower has further proposed that the issuer issue and sell its Housing Facilities Revenue Bonds (Augustana Chapel View Homes, Inc. Project), Series 2004, in one or more series, in an aggregate principal amount of not to exceed \$10,000,000, substantially in such forms and subject to the terms and conditions as are set forth in the Indenture referred to below (the "Bonds"), pursuant to the Act, and loan the proceeds thereof to the Borrower, to provide for the refunding in full of the Refunded Bonds and to provide financing for the Project.

3. Housing Program. There has been prepared and filed with the City Clerk a Housing Program describing the Project, the refunding of the Refunded Bonds and the issuance of the Bonds to provide financing and refinancing therefor, all as required by and within the meaning the Act (the "Housing Program"). A copy of the Housing Program was furnished to the Metropolitan Council on or before the date of publication of the notice of the public hearing held with respect thereto, as described in paragraph 4 below, all as required by and within the meaning of the Act.

4. Public Hearing. Following not fewer than 15 days' published notice in a newspaper of general circulation in the City, the Community Development Committee of the City Council conducted a public hearing on December 2, 2003, with respect to the Housing Program and the issuance of the Bonds. All persons present had an opportunity to express their views with respect to the Housing Program and the issuance of the Bonds. Based on the information presented, the Issuer hereby finds and determines that the Housing Program, the undertaking of the Project and the issuance of the Bonds are in the public interest and will promote the purposes of the Act.

5. Documents Presented. Forms of the following documents relating to the Bonds and the Project have been submitted to the Issuer and are now on file in the offices of the Issuer:

- a. Loan Agreement (the "Loan Agreement") between the Issuer and the Borrower; and
- b. Trust Indenture (the "Indenture") of even date with the Loan Agreement, between the Issuer and U.S. Bank National Association, as trustee (the "Trustee"); and
- c. Combination Mortgage, Security Agreement and Fixture Financing Statement and Assignment of Leases and Rents (the "Mortgage") of even date with the Loan Agreement, from the Borrower to the Trustee; and
- d. Continuing Disclosure Agreement (the "Continuing Disclosure Agreement") of even date with the Loan Agreement, between the Borrower and the Trustee;
- e. Bond Purchase Agreement (the "Bond Purchase Agreement"), by and between Northland Securities, Inc. (the "Underwriter"), the Borrower and the Issuer; and
- f. Preliminary Official Statement and form of final Official Statement, the form of the Preliminary Official Statement, together with the insertion of the final underwriting details of the Bonds, including the interest rates thereon, and any other changes deemed necessary or desirable, intended to constitute the form of the final Official Statement, and including all Appendices thereto (together the

"Official Statement"), describing the offering of the Bonds, and certain terms and provisions of the foregoing documents.

6. Findings. It is hereby found, determined and declared that:

a. The Project will further the purposes contemplated by and described in the Act and will result in the enhanced provision of safe and sanitary housing to elderly members of the community.

b. There is no litigation pending or, to the knowledge of the Issuer, without investigation or inquiry, threatened against the Issuer relating to the Housing Program, the Project or the Bonds, or to the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, or the Mortgage (collectively referred to as the "Bond Documents") or questioning the organization, powers or authority of the Issuer to issue the Bonds or to execute or deliver any such documents.

c. To the knowledge of the Issuer, without investigation or inquiry, the execution and delivery of and the performance of the Issuer's obligations under the Bonds and the Bond Documents do not and will not violate any order of any court or any agency of government of which the Issuer is aware or in any proceeding to which the Issuer is a party, or any indenture, agreement or other instrument to which the Issuer is a party or by which it or any of its property is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under any such indenture, agreement or other instrument.

d. The Loan Agreement provides for payments by the Borrower to the Issuer of such amounts as will be sufficient to pay the principal of, premium, if any, and interest on the Bonds when due.

e. Under the provisions of the Act and as provided in the Loan Agreement, the Bonds are not and shall not be payable from or charged upon any funds other than amounts payable pursuant to the Loan Agreement and related documents; the Issuer is not subject to any liability thereon; no owner of the Bonds shall ever have the right to compel the exercise of the taxing power of the Issuer to pay the Bonds or the interest thereon, nor to enforce payment thereof against any property of the Issuer; neither the Bonds nor any document executed or approved in connection with the issuance thereof shall constitute a pecuniary liability, general or moral obligation, charge, lien or encumbrance, legal or equitable, upon any property of the Issuer; and the Bonds shall not constitute or give rise to a charge against the general credit or taxing powers of the Issuer.

7. Approval and Execution of Documents. The forms of Loan Agreement, Indenture, Bond Purchase Agreement, Continuing Disclosure Agreement, and Mortgage, referred to in paragraph 5, are approved. The Loan Agreement, Indenture, and Bond Purchase Agreement shall be executed in the name and on behalf of the Issuer by the officers identified in paragraph 11, in substantially the forms on file, but with all such changes therein as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof.

8. Approval, Execution and Delivery of the Bonds. The officers of the Issuer are hereby authorized and directed to execute and issue the Bonds, and the Bonds shall be issued in such series and shall be substantially in such forms, mature, bear interest, and be payable according to such terms and shall otherwise contain such terms and provisions as are set forth in the Indenture, which terms are for this purpose incorporated in this resolution and made a part hereof; provided, however, that the aggregate principal amount of each series of the Bonds, the interest rates thereon, the amount and dates of the principal payments required to be made with respect thereto, and the rights of optional and mandatory redemption with respect thereto shall all be set forth in the Indenture as executed and shall all be subject to the final approval of the officers of the Issuer who execute and deliver the Indenture in accordance with the provisions of this resolution, such approval to be conclusively evidenced by the execution thereof; provided further, however, that, in no event shall the aggregate principal amount of the Bonds exceed \$10,000,000, shall the final maturity of the Bonds be in excess of 25 years from the date of issuance thereof, or shall the net interest cost with respect to the Bonds exceed 6.75% per annum. The Bonds shall recite that they are issued pursuant to the Act and such recital shall, to the fullest extent permitted by law, conclusively establish the legality and validity thereof.

The Bonds shall be sold to the Underwriter in accordance with and upon the terms and conditions set forth in the Bond Purchase Agreement. The proposal of the Underwriter to purchase the Bonds

as provided in the Bond Purchase Agreement at the purchase price set forth therein is hereby accepted.

9. Certificates, etc. The officers of the Issuer are authorized to prepare and furnish to Dorsey & Whitney LLP, Minneapolis, Minnesota, as Bond Counsel to the Underwriter, and to the Underwriter, certified copies of all proceedings and records of the Issuer relating to the Bonds, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the Issuer as to the truth of all statements of fact contained therein.

10. Official Statement. The Issuer hereby consents to the circulation by the Underwriter of the Official Statement in offering the Bonds for sale; provided, however, that the Issuer has not participated in the preparation of the Official Statement or independently verified the information in the Official Statement and takes no responsibility for, and makes no representations or warranties as to, the accuracy or completeness of such information.

11. Nature of Issuer's Obligations. All covenants, stipulations, obligations, representations, and agreements of the Issuer contained in this Resolution or contained in the aforementioned documents shall be deemed to be the covenants, stipulations, obligations, representations, and agreements of the Issuer to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations, representations, and agreements shall be binding upon the Issuer. Except as otherwise provided in this Resolution, all rights, powers, and privileges conferred, and duties and liabilities imposed upon the Issuer by the provisions of this Resolution or of the aforementioned documents shall be exercised or performed by such officers or agents as may be required or authorized by law to exercise such powers and to perform such duties. No covenant, stipulation, obligation, representation, or agreement herein contained or contained in the documents referred to above shall be deemed to be a covenant, stipulation, obligation, representation, or agreement of any member of the City Council, or any officer, agent, or employee of the Issuer in that person's individual capacity, and neither shall any member of the City Council nor any officer or employee executing the Bonds or such documents be liable personally on the Bonds or be subject to any representation, personal liability or accountability by reason of the issuance thereof. No provision, representation, covenant or agreement contained in the Bonds, this Resolution or in any other document related to the Bonds, and no obligation therein or herein imposed upon the Issuer or the breach thereof, shall constitute or give rise to a general or moral obligation, or indebtedness or pecuniary liability of the Issuer or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in the Bonds or in any other document related to the Bonds, the Issuer has not obligated to pay or remit any funds or revenues, except for revenues derived from the Loan Agreement that are pledged to the payment of the Bonds.

12. Authorized Officers. The Bonds and the documents referred to herein are authorized to be executed on behalf of the Issuer by its Mayor, Finance Director and City Clerk; provided, however, that in the event that any of those officers shall be unavailable or for any reason be unable to execute the Bonds or any other document to be entered into by the Issuer in connection therewith, any other officer of the Issuer, acting alone or with one or more other officers, is hereby directed and authorized to do so on behalf of the Issuer.

13. Governmental Program Bonds. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Housing Program" and the "Program", all as defined in Resolution 88R-021 of the Issuer adopted January 29, 1988, and as amended by Resolution 97R-402 of the Issuer adopted December 12, 1997.

14. Definitions and Interpretation. Terms not otherwise defined in this Resolution but defined in the Loan Agreement or the Indenture shall have the same meanings in this Resolution and shall be interpreted herein as provided therein. Notices may be given as provided in the Loan Agreement. In case any provision of this Resolution is for any reason illegal or invalid or inoperable, such illegality or invalidity or inoperability shall not affect the remaining provisions of this Resolution, which shall be construed or enforced as if such illegal or invalid or inoperable provision were not contained herein.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Comm Dev - Your Committee, having under consideration approval of the 2004 Single Family Housing Program and also a program that will use past mortgage revenue bond funds for a new mortgage program that will assist buyers with points and other services offered under the "City Living" home program, now recommends passage of the accompanying resolutions approving said programs:

a) Approving a Single Family Housing Program to be financed by the issuance of Single Family Mortgage Revenue Bonds and/or Mortgage Credit Certificates; and

b) Approving a Program of Refunding Single Family Mortgage Revenue Bonds to provide for the recycling of program monies to make additional loans for low or moderate income persons and families and approving and authorizing the execution of various documents in connection therewith.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Resolutions 2003R-575 and 2003R-576, approving a Single Family Housing Program and a Program of Refunding Single Family Mortgage Revenue Bonds to provide for the recycling of program monies to make additional loans for low or moderate persons, were passed 12/15/03 by the City Council. A complete copy of these resolutions are available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-575

By Goodman

Approving a Single Family Housing Program to be financed by the issuance of Single Family Mortgage Revenue Bonds and/or Mortgage Credit Certificates.

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C (the "Housing Act"), the City of Minneapolis, Minnesota (the "City") is authorized to adopt a housing plan and carry out programs for the financing of single family housing for persons of low and moderate income; and

Whereas, the Minneapolis/Saint Paul Housing Finance Board (the "Board"), a joint powers board organized under a Joint Powers Agreement (the "Joint Powers Agreement") originally dated as of December 1, 1984, and as subsequently amended, by and between the Minneapolis Community Development Agency, the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "Authority") and the City and accepted by the City of Saint Paul, Minnesota ("Saint Paul"), and under the laws of the State of Minnesota, proposes to undertake a single family housing program relating to the Minneapolis and the Saint Paul entitlement allocations available in 2004 and certain recycling refunding bonds (the "Program"), to be financed by the issuance of one or more series of mortgage revenue obligations, mortgage revenue refunding obligations and/or mortgage credit certificates ("MCCs") pursuant to Minnesota Statutes, Sections 469.001 to 469.047, Chapters 462A, 462C and 474A and Section 471.59 (collectively, the "Act"); and

Whereas, pursuant to the Act, the Board is authorized to issue bonds from time to time and to use the proceeds of its bonds to make or purchase mortgage loans or to purchase participations in mortgage loans from lending institutions and to issue MCCs in order to finance the construction and rehabilitation, and to facilitate the purchase and sale, of single family housing for eligible persons or families under the Act and to issue bonds to refund previously issued bonds; and

Whereas, the Program will provide below market interest rate mortgage loan financing or income tax credits primarily to persons of low or moderate income purchasing single family homes to be used as their principal places of residence and located within the geographic limits of the City or Saint Paul; and

Whereas, the Act requires adoption of the Program after a public hearing held thereon following publication of notice in a newspaper of general circulation in the City and Saint Paul at least fifteen days in advance of the hearing; and

Whereas, the Community Development Committee of the City Council on December 2, 2003 conducted a public hearing on the Program after publication of notice as required by the Act; and

Whereas, the Program was submitted to the Metropolitan Council at or before the time of publication of notice of the public hearing on such Program, and the Metropolitan Council was afforded an opportunity to present comments at the public hearing, all as required by the Act; and

Whereas, the Program provides for the issuance of single family mortgage revenue bonds or revenue refunding bonds in one or more series pursuant to the Act (the "Bonds") to make or purchase or cause to be made or purchased mortgage loans, or to purchase securities the proceeds of which would be used to purchase mortgage loans, and the issuance of MCCs to finance the acquisition, primarily by low and moderate income persons and families, of single family housing located within the geographic boundaries of the City or Saint Paul; and

Whereas, it is proposed that the Program be approved and the Board be authorized to issue Bonds and MCCs pursuant to the Program and the Joint Powers Agreement; and

Whereas, it appears that the Program and the issuance of Bonds and/or MCCs by the Board are in the best interests of the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That the Program is hereby approved in its entirety in substantially the form on file with the City. The officers of the City are authorized to take all actions as may be necessary or appropriate to carry out the Program in accordance with the Act and any other applicable laws and regulations.

2. Be It Further Resolved that the issuance of the Bonds or of MCCs to finance the Program is hereby finally approved subject to agreement by the Board and the purchasers of the Bonds, if any, and by the Board as issuer of the MCCs, as to the exact terms of the Bonds and the MCCs

3. Be It Further Resolved that the Bonds may be issued in one or more series at the time or times and pursuant to terms determined by the Board, and be structured so as to take advantage of whatever means are available and are permitted by law to enhance the security for, or marketability of, the Bonds, provided that any such financing structure must be approved by the Board. The MCCs may be issued at the time or times and pursuant to terms determined by the Board. All such determinations by the Board must comply with the applicable provisions of the Act and the Internal Revenue Code, of 1986, as amended, and regulations promulgated thereunder.

4. Be It Further Resolved that the Board is authorized to take all actions which may be necessary or desirable in connection with the issuance of the Bonds and the MCCs, and no further approval or consent of the City shall be required prior to the issuance of the Bonds or the MCCs by the Board, or prior to the taking of any action by the Board to undertake and implement the Program.

5. Be It Further Resolved that nothing in this Resolution or the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Program other than as specified and authorized by separate actions of the City and other than the revenues derived from the Program or otherwise granted to the City for such purpose. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenues and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment against any property of the City. The Bonds shall recite in substance that the principal and interest thereon are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation of indebtedness.

6. Be It Further Resolved that any one or more series of Bonds (to the extent authorized by law) or the MCCs may be issued by the City in lieu of issuance by the Board, at the discretion of the City.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-576

By Goodman

Approving a Program of Refunding Single Family Mortgage Revenue Bonds to provide for the recycling of program monies to make additional loans for low or moderate persons and families and approving and authorizing the execution of various documents in connection therewith.

Whereas, the City of Minneapolis (*the City*), either (a) on its own behalf or (b) acting through the Minneapolis/Saint Paul Housing Finance Board (*the MHFB*), pursuant to that certain Joint Powers Agreement, as amended, by and between the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (*the HRA*), the Minneapolis Community Development Agency and the City of Minneapolis (*Minneapolis*) and accepted by the City of Saint Paul (*Saint Paul*), from time to time has issued individually or jointly with other issuers various series of single family mortgage revenue bonds (*the Prior Bonds*), for the purpose of providing below-market interest rate financing to low and moderate income persons and families (*Qualified Buyers*); and

Whereas, the federal tax law permits the issuance of tax-exempt refunding bonds to refund certain principal amounts of the Prior Bonds as they mature or become subject to redemption prior to maturity; and

Whereas, it is the policy of the City to "recycle" the resource represented by the Prior Bonds by authorizing the MHFB to issue refunding bonds (*the Refunding Bonds*) to the greatest extent possible to provide for the origination of additional single family loans to Qualified Buyers; and

Whereas, because the various series of Prior Bonds are due and become subject to redemption at various times during the calendar year in relatively small principal amounts which cannot efficiently and economically be refunded by the issuance of separate series of Refunding Bonds, the City, in cooperation with Saint Paul, proposes to make a loan or loans to the MHFB in amounts sufficient, from time to time, to permit the MHFB to refund the Prior Bonds, which loan or loans would be repaid with the proceeds of Refunding Bonds issued periodically by the MHFB;

Now, Therefore, Be It Resolved By The City Council of City of Minneapolis, as follows:

1. The Director of Department of Community Planning and Economic Development or his designee is hereby authorized and directed to take such actions as are necessary or convenient to implement the City's policy of maximizing the resource represented by the Prior Bonds. Without limiting the generality of the foregoing, the Director is specifically authorized to execute and deliver, from time to time, agreements, including any amendments thereto, and to do all other things necessary or convenient to provide for the loan of funds to the MHFB, which loan is to be secured by escrow deposits made by MHFB of proceeds of the Prior Bonds (*Escrow Deposits*) and to provide for the repayment of such loan from the proceeds of Refunding Bonds to be issued by the MHFB from time to time.

2. The City intends that the MHFB will issue Refunding Bonds at such times and in such amounts as are effective and economical and will use the proceeds to reimburse the City for any and all Escrow Deposits described in paragraph 1, all for the purpose of providing for the origination of additional single family mortgage loans to be made to Qualified Buyers.

3. All actions of the members, employees and staff of the City heretofore taken in furtherance of the policies of the City stated herein are hereby approved, ratified and confirmed.

Prior Bonds

Single Family Mortgage Revenue Bonds or Refunding Bonds:	Issue Date
Phase IV, Series A, B & C	5/1/1987
Phase V, Series A, B & C	11/1/1987

Phase VI, Series A	8/1/1988
Phase IX, Series A	8/29/1991
Phase X, Series A	11/30/1994; 9/1/1996
Phase XI, Series A & B	7/23/1997
Phase XII, Series A & B	12/29/1998
Home Ownership and Renovation, Phase III	12/1/1993
Home Ownership Program, Phase V	10/5/1995
Home Ownership Program	8/11/1998
CityLiving Home Programs Convertible Option Bonds, Series A & B	12/29/1998 (remarketed 6/22/1999)
CityLiving Home Programs, Series A-1, A-2 & A-3	8/19/1999
CityLiving Home Programs, Series B-1 & B-2	8/31/1999
CityLiving Home Programs, Series A-1 & A-2	4/18/2000
CityLiving Home Programs Convertible Option Bonds Series A-3	10/4/2000
CityLiving Home Programs Series B	10/4/2000; 9/7/2001
CityLiving Home Programs, Series A-1, A-2, A-3 & A-4	5/3/2001
CityLiving Home Programs, Series 2002A-3 & Series 2002B-1	4/25/2002
CityLiving Home Programs, Series 2002A,-1, Series 2002A-2 & Series 2002A-4	5/29/2002
CityLiving Home Programs, Series 2003A-1 & Series 2003B-1	4/30/2003
CityLiving Home Programs, Series 2003A-2 & Series 2003B-2	10/1/2003

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Comm Dev - Your Committee recommends passage of the accompanying resolution approving an amendment to the By-Laws and Joint Powers Agreement for the Minneapolis/St. Paul Housing Finance Board, recognizing the transfer of assets and responsibilities from the Minneapolis Community Development Agency (MCDA) to the City.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Resolution 2003R-577 approving an amendment to the By-Laws and Joint Powers Agreement for the Minneapolis/St. Paul Housing Finance Board, recognizing the transfer of assets and responsibilities from the Minneapolis Community Development Agency (MCDA) to the City, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-577
By Goodman

Approving Third Amendment of Joint Powers Agreement regarding creation of the Minneapolis/Saint Paul Housing Finance Board

Whereas, the City of Minneapolis ("Minneapolis") acknowledged and accepted the Joint Powers Agreement Creating the Minneapolis/Saint Paul Housing Finance Board (the "Board") as of December 1, 1984, entered into by the Housing and Redevelopment Authority of the City of Saint Paul (the "HRA"), the Minneapolis Community Development Agency (the "MCDA"), and which was acknowledged and accepted by the City of Saint Paul ("Saint Paul"); and

Whereas, such agreement was amended by a First Amended Joint Powers Agreement Creating the Minneapolis/Saint Paul Housing Finance Board dated as of November 1, 1986, by and between the MCDA, the HRA and Minneapolis and accepted by Saint Paul; and

Whereas, such agreement was further amended by a Second Amendment to Joint Powers Agreement, dated as of October 1, 1994, by and between the MCDA, the HRA and Minneapolis and accepted by Saint Paul; and

Whereas, in light of the enactment by Minneapolis of Section 415.10 through 415.70 of its Minneapolis Code of Ordinances, it is in the best interest of the public health, safety and welfare that the joint powers agreement creating the Board be further amended;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Mayor and Finance Officer of Minneapolis are hereby authorized and directed to execute and deliver, on behalf of Minneapolis, a Third Amended Joint Powers Agreement Creating the Minneapolis/Saint Paul Housing Finance Board, dated as of November 1, 2003, in substantially the form on file with Minneapolis (Petn No 269235) as of the date hereof.

Be It Further Resolved that the staff of Minneapolis are authorized and directed to take any and all actions as may be necessary or convenient to effect the changes made by such Third Amended Joint Powers Agreement.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Comm Dev - Your Committee, having under consideration two development projects (Franklin Lofts and West Lowry Housing) and the recommendation of the Director of Community Planning and Economic Development (CPED) that the City provide consent to Hennepin County regarding the projects, now recommends passage of the accompanying resolutions:

a) Consenting to Hennepin County's sale of the Ramar Building at 111 E Franklin Av and 2007 Stevens Av S to Franklin Lofts, LLC; and

b) Consenting to Hennepin County Housing and Redevelopment Authority's provision of financial assistance for a housing project within the West Lowry Avenue Redevelopment Area.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Resolutions 2003R-578 and 2003R-579, consenting to Hennepin County's sale of the Ramar Building at 111 E Franklin Av and 2007 Stevens Av S to Franklin Lofts, LLC; and consenting to the Hennepin County Housing and Redevelopment Authority's provision of financial assistance for a housing project within the West Lowry Avenue Redevelopment Area, were passed 12/15/03 by the City Council. A complete copy of these resolutions are available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-578

By Goodman

Consenting to the sale of the Ramar Properties located at 111 East Franklin Avenue and 2007 Stevens Avenue South, Minneapolis, by Hennepin County Housing and Redevelopment Authority to Franklin Lofts, LLC, for the Franklin Lofts housing project.

Whereas, the Hennepin County Housing and Redevelopment Authority proposes to sell the Ramar Properties for \$2,000,000 to Franklin Lofts, LLC, a Minnesota limited liability company (the "Developer"), for the acquisition and rehabilitation of a housing project to be located at 111 East Franklin Avenue in Minneapolis, Minnesota (the "Project"); and

Whereas, Minnesota Statutes, Section 383B.77, Subd 3, requires that this City Council must approve a project undertaken by the Hennepin County Housing and Redevelopment Authority before such a project may be undertaken within this City; and

Whereas, the Project is subject to the approval of this City Council; and

Whereas, it is deemed in the best interest of this community to approve the Hennepin County Housing and Redevelopment Authority's implementation of the Project as an approved project;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Statutes, Section 383B.77, subd. 3, the City Council approves the Project and approves of the Project assistance to be provided by the Hennepin County Housing and Redevelopment Authority to facilitate the acquisition and rehabilitation of a housing project by Borrower, subject to the following requirements:

(a) That this City retains its jurisdiction over all issues of local concern relating to zoning, land usage, building code requirements and compliance with all applicable city codes and ordinances.

(b) That payment or repayment of any financial obligations owed the Hennepin County Housing and Redevelopment Authority by the Developer will be made solely from the Developer or revenues derived from the project.

(c) That the full faith and credit of this City will not be pledged in any fashion as a source of payment or repayment of said financial obligation owed the Hennepin County Housing and Redevelopment Authority by the Developer.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-579

By Goodman

Consenting to the Hennepin County Housing & Redevelopment Authority providing financial assistance to the Hennepin County Dept of Housing, Community Works and Transit for a housing project within the West Lowry Avenue Redevelopment Project area.

Whereas, the Hennepin County Housing and Redevelopment Authority (the "County HRA") proposes to provide financial assistance from Hennepin County's 2003 Capital Improvement Bond Allocation for Transit Oriented Development Projects in Hennepin County in an amount up to \$400,000, to the Hennepin County Department of Housing, Community Works and Transit (the "Borrower"), for the acquisition and new construction of a housing project to be located on the block between 4th and 6th Streets North and Lowry and 31st Avenues, Minneapolis, Minnesota (the "Project"); and

Whereas, Minnesota Statutes, Section 383B.77, Subd 3, requires that this City Council consent to redevelopment activities undertaken by the County HRA before such activities may be undertaken within the City; and

Whereas, the proposed financial assistance for the Project is subject to the consent of this City Council; and

Whereas, it is deemed in the best interest of this community to consent to the County HRA's financial assistance for the Project;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Statutes, Section 383B.77, Subd. 3, the City Council consents to the Project financial assistance to be provided by the County HRA to facilitate the acquisition and new construction of the housing Project by the Borrower, subject to the following requirements:

(a) That this City retains its jurisdiction over all issues of local concern relating to zoning, land usage, building code requirements and compliance with all applicable city codes and ordinances;

(b) That repayment of any financing obligations owed the County HRA by the Borrower will be the sole responsibility of the Borrower.

(c) That the full faith and credit of this City will not be pledged in any fashion as a source of repayment of said financing obligation owed the County HRA by the Borrower.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Comm Dev- Your Committee, having been informed by the Community Planning and Economic Development (CPED) Department that Hennepin County has classified certain properties as non-conservation and is requesting action by the City on the properties, now recommends passage of the accompanying resolution approving the classification of certain forfeited land located in the City of Minneapolis as non-conservation and the conveyance thereof.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Resolution 2003R-580 approving the classification of certain forfeited land located in the City of Minneapolis as non-conservation and the conveyance thereof, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-580

By Goodman

Approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof.

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be withheld from public and private sale and conveyed to the Minneapolis Community Development Agency).

1269 Conservation/Non-Conservation List

(01) City of Minneapolis

<u>Address</u>	<u>Date Of</u>	<u>Zoning</u>
PID Number	Target Forfeit	Legal Description
08002924410128	Yes 7/17/03	R2B
3009 Queen Ave. N. 40X126=5,040		LOT 013 BLOCK 001 "QUEEN AVENUE ADDITION TO MINNEAPOLIS"

1602924140105	2109 Aldrich Ave. N. 50x157=7,850	Yes	7/17/03	Vacant Land R2B LOT 006 BLOCK 010 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS
0902924330227	2126 – 26 TH Ave. N. 63x86=5,418	Yes	8/7/03	Vac. SF House R2B EAST 62.98 FEET OF LOTS 6 AND 7 BLOCK 012 “SUPPLE- MENT TO FOREST HEIGHTS MINNEAPOLIS”
0802924140120	3358 Russell Ave. N. 32x128=4,096	No	8/7/03	Vac SF House R1A LOT 30 AND THE NORTH 3 FEET OF LOT 29 BLOCK 002 “POTTER & THOMPSON’S ADDITON TO MINNEAPOLIS”
1702924130164	2018 Russell Ave. N. 40X128	Yes	8/7/03	Vacant Land R1A LOT 028 BLOCK 004 “UPLAND ADDITION TO MINNEAPOLIS”

The following parcel was previously forfeited but is available for purchase for \$1 for demolition of the structure.

0102824320151	3504 Longellow Ave	Yes	5/18/01	Vac Single Fam R2B Lot 2, Block 12 Wilbers 2 nd Addition
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Be It Further Resolved that the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be released for public auction.

<u>Address</u>	<u>Date Of</u>	<u>Zoning</u>
PID Number Lot Size	Target Forfeit	Current Use Legal Description
The lot will be sold for development.		
2302824430123 6133 ½ 14 th Ave. S.	No 7/17/03	Vacant Land COMMENCING AT THE SE CORNER OF LOT 17 THENCE WEST 118 99/100 FEET THENCE NORTHEASTERLY 170 66/100 FEET ALONG A LINE WHICH PASSES THROUGH A POINT IN EAST LINE OF LOT 19 DISTANCE 31 68/100 FEET NORTH FROM SE CORNER THEREOF THENCE SOUTHERLY TO A POINT IN THE EAST LINE OF LOT 19 DISTANCE 13 74/100 FEET NORTH FROM THE SOUTH- EAST CORNER THEREOF THENCE SOUTH TO BEGIN- NING BLOCK 016 “TINGDALE BROS.’ PORTLAND WAY”
0102824240061 3223 – 22 nd Ave. S. REPURCHASED	Yes 7/17/03	Occ Single Fam SOUTH 40 FEET OF LOT 007, BLOCK 001 PERKINS’ ADDITION TO MINNEAPOLIS MINNESOTA

1602924340101	1422 Logan Ave. N. REPURCHASED	Yes	7/17/03	Vac Single Fam LOT 014, BLOCK 002 CREPEAU'S FOURTH ADDITION TO MINNEAPOLIS
2702924120005	901 Hennepin Ave. REPURCHASED	Yes	7/17/03	Commercial COMMENCING AT MOST EAST- ERLY CORNER OF LOT 7 THENCE NORTHWESTERLY TO MOST NORTHERLY CORNER THENCE SOUTHWESTERLY ON NORTHWESTERLY LINE OF SAID LOT A DISTANCE OF 50 FEET THENCE SOUTHERLY PARALLEL WITH NORTH- ESTERLY LINE OF SAID LOT 7 TO SOUTHEASTERLY LINE THEREOF THENCE NORTH- EASTERLY TO BEGINNING EXCEPT PART TAKEN FOR ALLEY LOT 007 AUDITOR'S SUBDIVISION NO. 030 HENNEPIN COUNTY, MINN
2402924120123	1026 – 12 TH Ave. S.E. REPURCHASED	Yes	8/7/03	Occ Single Fam LOT 022, BLOCK 009 ELWELL'S 2 ND ADDITION TO MINNEAPOLIS

Whereas, the Minneapolis Community Development Agency has determined that the conveyance of said tax forfeited property, listed in this resolution, to the Agency is necessary to provide for said property's redevelopment as productive taxable property pursuant to the provisions of Minn. Stat. Chap. 469.

Be It Further Resolved that the Minneapolis Community Development Agency make application to the Commissioner of Revenue of the State of Minnesota and Hennepin County for the conveyance of said tax forfeited property, listed in this resolution, located in target neighborhood pursuant to the provisions of Minn. Stat. Sec. 282.01, Subd. 1b.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Comm Dev - Your Committee, having under consideration Parcel E in the area of the Guthrie Theater Project a portion of which will be reserved for "liner" development, now recommends concurrence with the recommendation of the Community Planning & Economic Development (CPED) Director that David Bernard Builders and Developers (a division of Rottlund Company, Inc.) be granted exclusive rights for six months from the date this action is approved to negotiate with the City of Minneapolis a land sale redevelopment agreement for the Parcel E "Liner", as described in Petn No 269235 on file in the Office of the City Clerk. The minimum sale price for the parcel shall be \$1.36 million.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Comm Dev - Your Committee recommends concurrence with the recommendation of the Community Planning & Economic Development (CPED) Director that Section 4 of the City's Affordable Housing Policy be amended to clarify that housing financed solely with non-City pollution remediation funds shall be exempt from the policy requirement that 20% of the units be affordable

at 50% of median income but that the 20% requirement would apply if any other City/CPED assistance is provided for the project.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the Minneapolis Community Planning & Economic Development (CPED) Director to take certain actions through 2004 in order to utilize tax-exempt revenue bond financing for various City industrial/manufacturing projects.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Resolution 2003R-581 authorizing the Minneapolis Community Planning & Economic Development (CPED) Director to take certain actions through 2004 in order to utilize tax-exempt revenue bond financing for various City industrial/manufacturing projects, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-581
By Goodman and Johnson

Authorizing the Minneapolis Community Planning & Economic Development (CPED) Director to take certain actions through 2004 in order to utilize tax-exempt revenue bond financing for various City industrial/manufacturing projects.

Resolved by The City Council of The City of Minneapolis:

That the following is hereby authorized:

1. The establishment of an Accounts Receivable - Bond Commitment Fees - to allow CPED staff to perform all necessary transactions regarding State-required Allocation Deposit payments on behalf of the City of Minneapolis.
At no time will City funds be at risk in relation to these payments; net cost to the City of these transactions: zero. (However, any interest earnings on such deposits will be kept by the State.) Said Accounts Receivable - Bond Commitment Fees - is to be established in Fund SED or such fund as is determined by the CPED Director. The maximum payments are to be sufficient to secure necessary issuance authority. Authorized payment/reimbursement may involve the City, the State, bond applicants and other entitlement issues.
2. The CPED Director is to inform the State of the City of Minneapolis' intent to issue bonds, to use Joint Power Agreements, to pay or refund Allocation Deposits and all other notices necessary to ensure the ability of the City of Minneapolis to issue bonds throughout the year.
3. That full reimbursement to the City, of all Allocation Deposits, be required of bond applicants and of other entitlement issuers under Joint Power Agreements.
4. Staff is to charge bond applicants a pro rata share of legal and other expenses associated with the City's execution of Joint Powers Agreements, if such bond is issued under bond issuance authority gained by the City with a Joint Powers Agreement.
5. The CPED Director is to negotiate and enter into Joint Powers Agreements with other entitlement issuers, for the exchange of bond issuance authority to benefit the City of Minneapolis by increasing/decreasing bond issuance authority. Such Joint Powers Agreements will allow for proper payment/receipt of fees and expenses required for the exchange of issuance authority. Payments will be made from such fund as may be determined by the CPED Director.

6. The CPED Director is to approve City of Minneapolis applications to State bond issuance authority pools and payments of any additional Allocation Deposits required.
Adopted 12/15/03.
Absent - Schiff, Zerby, Samuels.

Comm Dev & W&M/Budget - Your Committee recommends concurrence with the recommendation of the Community Planning & Economic Development (CPED) Director to approve passage of the accompanying resolution authorizing the carry forward of the City's housing revenue bonding authority for up to \$33,321,000 for Multifamily projects.
Adopted 12/15/03.
Absent - Schiff, Zerby, Samuels.

Resolution 2003R-582 authorizing the carry forward of the City's housing revenue bonding authority for up to \$33,321,000 for Multifamily projects, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-582
By Goodman and Johnson

Authorizing Carry Forward of Unused Private Activity Bond Volume Cap.

Whereas, the City of Minneapolis, Minnesota (the "City") is an "entitlement issuer" within the meaning of Minnesota Statutes, Section 474A.02, subd. 7; and

Whereas, the City's entitlement allocation for 2003 under Minnesota Statutes, Chapter 474A.03, subd. 2a is \$33,867,000; and

Whereas, the City has issued bonds attributable to such allocation in the amount of \$546,000; and

Whereas, the City has unused entitlement allocation for 2003 in the amount of \$33,321,000; and

Whereas, the City may, under § 146(f) of the Internal Revenue Code of 1986, as amended, and under Minnesota Statutes, Chapter 474A, "carry forward" all or a portion of the City's unused entitlement allocation for the year 2003; and

Whereas, it is in the best interest of the public health, safety and welfare that the City "carry forward" for qualified carry forward purposes its remaining \$33,321,000 of entitlement allocation;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. The City hereby elects to carry forward the City's \$33,321,000 remaining 2003 entitlement allocation for the purpose of qualified residential rental bonds, qualified mortgage bonds and/or mortgage credit certificates.

2. The Director of the Department of Community Planning and Economic Development is hereby authorized and directed to execute and cause to be filed with the Internal Revenue Service a Form 8328 specifying the amount of entitlement allocation to be carried forward as described above. The Form 8328 shall be filed with the Internal Revenue Service on or before February 15, 2004. The Director is further authorized to notify the Minnesota Department of Finance of such carry forward at such time and as required by Minnesota Statutes, Chapter 474A.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration funding recommendations for the Affordable Housing Trust Fund Program, now recommends:

Comm Dev - Approval of the following loans for seven projects totaling \$2,671,188 from the Affordable Housing Trust Fund Program and a grant in the amount of \$30,000 from the Non-Profit Development Assistance Fund:

- Up to \$500,000 for Agape Child Development Center by Agape Development Partners LLC (Oasis of Love, Inc. and Welsh Construction);
- Up to \$289,400 for Heritage Park Phase III by McCormack Baron Salazar.
- Up to \$554,403 for Loring Towers by Apartment Investment and Management Company;
- Up to \$180,543 for Morrison Village Apartments by Community Housing Development Corporation;
- Up to \$500,000 for New Village Cooperative by Powderhorn Residents Group.
- Up to \$468,000 for St. Anne's Senior Housing by St. Anne's Community Housing Development Corporation and up to \$30,000 of Non-Profit Admin funds and
- Up to \$178,842 for Structured Independent Living for Veterans by Minnesota Assistance Council for Veterans.

Your Committee further recommends passage of the accompanying resolution amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution to increase Fund SCD by \$1,500,000; and that this action be forwarded to the MCDA Board of Commissioners.

W&M/Budget - Approval of the following loans for eleven projects totaling \$4,794,188 from the Affordable Housing Trust Fund Program, approve a loan of up to \$400,000 from the Riverside Plaza Affordability Fund for the Riverside Station project and approve grants totaling \$120,000 from the Non-Profit Development Assistance Fund:

- Up to \$500,000 for Agape Child Development Center by Agape Development Partners LLC (Oasis of Love, Inc. and Welsh Construction);
- Up to \$188,000 for Cecil Newman Plaza by Legacy Management & Development and Northside Residents Redevelopment Council;
- Up to \$289,400 for Heritage Park Phase III by McCormack Baron Salazar.
- Up to \$435,000 for Hawthorne Apartments by Plymouth Church Neighborhood Foundation and up to \$30,000 of Non-Profit Admin funds;
- Up to \$554,403 for Loring Towers by Apartment Investment and Management Company;
- Up to \$180,543 for Morrison Village Apartments by Community Housing Development Corporation;
- Up to \$500,000 for New Village Cooperative by Powderhorn Residents Group.
- Up to \$500,000 for Paige Hall by Central Community Housing Trust and up to \$30,000 in Non-Profit Admin funds;
- Up to \$1,000,000 for Riverside Station by Twin Cities Housing Development Corporation, up to \$400,000 from the Riverside Plaza Affordability Fund, and up to \$30,000 of Non-Profit Admin funds;
- Up to \$468,000 for St. Anne's Senior Housing by St. Anne's Community Housing Development Corporation and up to \$30,000 of Non-Profit Admin funds and
- Up to \$178,842 for Structured Independent Living for Veterans by Minnesota Assistance Council for Veterans.

Your Committee further recommends passage of the accompanying resolution amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution to increase Fund SNH by \$400,000 and Fund SCD by \$1,500,000; and that this action be forwarded to the MCDA Board of Commissioners.

Goodman moved to amend the report to approve the Community Development Committee recommendation and to delete the Ways & Means/Budget Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

RESOLUTION 2003R-583

By Goodman

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SCD by \$1,500,000 from the projected fund balance.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration the River Terminal facility and a report from the Community Planning & Economic Development (CPED) Department regarding operation of the facility in 2003 and 2004, now recommends:

a) Passage of the accompanying resolution amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution to: 1) increase Fund GEN0 in the amount of \$400,047 (the amount by which expenses will exceed revenue in 2003) from the available fund balance; 2) approving the transfer of \$400,047 from Fund GEN0 (the MCDA General Fund) to Fund ERT (River Terminal) to funding the operating deficit; and 3) increasing the appropriation in Fund ERT (River Terminal) by \$304,336 and the revenue budget (3820 - transfer from Special Revenue Funds) in Fund ERT in the amount of \$400,047;

b) That the River Terminal Annual Operating Budget for 2003 be increased by \$273,264 for a new total of \$3,007,636; and

c) That, notwithstanding the City Council action of September 1999 that established an Upper River Trust Fund, any River Terminal net revenue to the City in 2004 shall first be used to reimburse the MCDA General Fund for 2003 transfers to the River Terminal Fund with any remaining revenues to be transferred to the Upper River Trust Fund;

d) That the 2004 Operating Budget for the River Terminal (as included in Petn No 269236) in the amount of \$2,980,368 be approved, contingent upon the execution of a contract amendment with the terminal operators; and

e) That the proper City officers be authorized to execute an amendment to the Operating Agreement with River Services, Inc. (RSI) that guarantees that the City will incur no losses in 2004 and the City and RSI will split evenly any net revenues (as outlined in Petn No 269236).

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

RESOLUTION 2003R-584

By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Increase the appropriation in Fund GEN0 in the amount of \$400,047 from the available fund balance

b) Transfer \$400,047 from Fund GEN0 (MCDA General Fund) to Fund ERT (River Terminal);

c) Increasing the appropriation in Fund ERT (River Terminal) by \$304,336 and increase the revenue budget (3820 - transfer from Special Revenue Funds) in Fund ERT in the amount of \$400,047.

Adopted 12/15/03.

Absent - Schiff, Zerby, Samuels.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee recommends passage of the accompanying Resolution approving appointments/reappointments to the Minneapolis Civil Rights Commission.

Adopted 12/15/03.

Absent - Samuels.

Resolution 2003R-585, approving appointments/reappointments to the Minneapolis Civil Rights Commission, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-585
By Johnson Lee

Approving appointments/reappointments to the Minneapolis Civil Rights Commission.

Whereas, the Mayor has submitted his recommendations for appointments and reappointments to the Minneapolis Civil Rights Commission; and

Whereas, the Health & Human Services Committee held a public hearing thereon, pursuant to Council Rule 19;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That it recommends concurrence with the recommendation of the Mayor to appoint/reappoint the following persons to serve on the Civil Rights Commission:

Appointments

Sonya Dunwald Peterson (Attorney), 1501 26th Av NE (Ward 1), to fill the unexpired term of Abdi Duh to expire August 31, 2005;

Daniel Lew (Attorney), 3605 36th Av S (Ward 9), to fill the unexpired term of Charles Hall to expire August 31, 2006;

Maya C. Sullivan (Attorney), 616 W 53rd St (Ward 13), to fill the unexpired term of Maria Zavala to expire August 31, 2005

Reappointment

Kenneth E. Brown, 3808 E 45th St (Ward 12), for a term to expire August 31, 2006;

Cordell Lee Jung (Attorney), 4556 Oakland Av S (Ward 8), for a term to expire August 31, 2006

Adopted 12/15/03.

Absent - Samuels.

H&HS - Your Committee recommends that the proper City Officers be authorized to execute a five-year internship agreement with the University of Minnesota, School of Public Health, to allow the placement of public health graduate students in the Health Department, as internships are available and the Health Department is able to appropriately utilize the intern. Said positions shall be paid by the University, and City costs shall be related to supervision/mentoring and space.

Adopted 12/15/03.

Absent - Samuels.

H&HS - Your Committee recommends that Ken Dahl, Interim Commissioner of Health, be designated as the authorized City of Minneapolis contact for implementation of the Weed and Seed Initiative. Further, that during the period November 21, 2003 or until such time that Weed and Seed has completed strategy implementation, Ken Dahl be authorized to receive and execute official correspondence, State certification forms, debarment forms, Equal Employment Opportunity (EEO) forms, interfund transfer, and to sign financial agreements or modifications of the Weed and Seed Initiative, as part of the cooperative agreement between the City of Minneapolis and the Minnesota Department of Public Safety.

Adopted 12/15/03.

Absent - Samuels.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a two-year grant award of \$130,000 and execute a grant agreement with the

Minnesota Department of Public Safety, Office of Justice Programs, to provide after school programming in the area of media production and investigation through Phillips Community Television during the period January 1, 2004 through December 31, 2005; and to execute a contract with Phillips Community Television, in the amount of \$126,000, to provide said services during the period January 1, 2004 through December 31, 2005. Further, passage of the accompanying Resolution appropriating \$130,000 to Health & Family Support.

Adopted 12/15/03.

Absent - Samuels.

Resolution 2003R-586, appropriating \$130,000 to the Department of Health & Family Support for after school programming in the area of media production and investigation through Phillips Community Television, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-586
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8605) by \$130,000 and increasing the Revenue Source (030-860-8605 - Source 3210) by \$130,000.

Adopted 12/15/03.

Absent - Samuels.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a two-year federal grant award of \$175,000 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Justice Programs, to implement Citizen Street Patrols in Minneapolis neighborhoods, as well as community leadership development through Mad Dads, a program of Urban Ventures; and to execute a contract with Urban Ventures, in the amount of \$171,500, to provide said services during the period January 1, 2004 through December 31, 2005. Further, passage of the accompanying Resolution appropriating \$175,000 to Health & Family Support.

Adopted 12/15/03.

Absent - Samuels.

(Republished 2/19/04)

Resolution 2003R-587, appropriating \$175,000 to the Department of Health & Family Support to implement Citizen Street Patrols in Minneapolis neighborhoods, as well as community leadership development through Mad Dads, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-587
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8605) by \$175,000 and increasing the Revenue Source (030-860-8605 - Source 3210) by \$175,000.

Adopted 12/15/03.

Absent - Samuels.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$28,000 in federal Early Learning Opportunities Act funds from the Youth Coordinating Board to provide books for children ages 0 to 4 years through health clinics and other locations to support school readiness and early literacy. Further, passage of the accompanying Resolution appropriating \$28,000 to Health & Family Support.

Adopted 12/15/03.

Absent - Samuels.

Resolution 2003R-588, appropriating \$28,000 to the Department of Health & Family Support to provide books for children ages 0 to 4 years through health clinics and other locations to support school readiness and early literacy, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-588
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8615) by \$28,000 and increasing the Revenue Source (030-860-8615 - Source 3210) by \$28,000.

Adopted 12/15/03.

Absent - Samuels.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to submit a grant application seeking \$925,000 from the United States Department of Health & Human Services for continued funding for Year IV of the Twin Cities Healthy Start Project; the purpose of the Project is to improve birth and infant health outcomes among the African American and American Indian populations of Minneapolis and St. Paul.

Adopted 12/15/03.

Absent - Samuels.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR - Your Committee recommends that the proper City officers be authorized to execute (as a concurring party) a Programmatic Agreement relative to the Federal Energy Regulatory Commission (FERC) re-licensing of the St. Anthony Falls Hydropower Project, as set forth in Petn No 269244.

Adopted 12/15/03.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, providing a fair fee schedule for Associations by charging for the number of buildings/units within their control; requiring all registered rental/s within Condominium, Co-operatives, Townhomes and Leasehold Cooperatives to be licensed under single ownership; and providing provisional licensing for single family

conversions from homestead to rental, now recommends that said ordinance be given its second reading for amendment and passage.

Goodman moved that the report be postponed. Seconded.

Adopted upon a voice vote.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 9 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection* adding a new Chapter 178 relating to *Recreational Fires*, clarifying regulations for recreational fires, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 12/15/03.

Ordinance 2003-Or-143 amending Title 9 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection* adding a new Chapter 178 relating to *Recreational Fires*, Sections 178.10 through 178.60 clarifying regulations for recreational fires, such as specifying that the fuel source must be wood that has not been painted or treated; requiring that a barrier of non-combustible material (i.e. stones, fire ring, earth) at least six inches high surround the fire; requiring that recreational fires be at least 25 feet from any structure; requiring that at least one attendant of the fire be an adult; restricting recreational fires to between 9:00 a.m. and 10:00 p.m.; not allowing recreational fires when winds are in excess of 10 m.p.h.; and that any fire fighter, fire inspector or police officer may extinguish a non-compliant recreational fire or one that causes a nuisance to any neighbor, was passed 12/15/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-143
By Schiff, Johnson and Colvin Roy
Intro & 1st Reading: 11/21/03
Ref to: PS&RS
2nd Reading: 12/15/03

Amending Title 9 of the Minneapolis Code of Ordinances relating to Fire and Police Protection.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Title 9 of the Minneapolis Code of Ordinances be amended by adding thereto new Chapter 178 to read as follows:

CHAPTER 178. RECREATIONAL FIRES

178.10. Definitions.

Recreational fire. A small outdoor fire burning approved materials for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Approved materials. Fuel for a recreational fire consisting solely of unpainted wood which has not been treated in any manner with chemicals or preservatives.

178.20. Applicable rules. Every person starting, engaging in, conducting or hosting a recreational fire shall observe and comply with the following regulations, which are reflected in or are in addition to those imposed by the Minnesota State Fire Code:

- (1) The total fuel area being burned in any recreational fire shall not exceed three (3) feet in diameter and two (2) feet in height.
- (2) Recreational fires shall not be conducted within twenty-five (25) feet of a structure or combustible material.
- (3) A surrounding fire barrier of non-combustible material that is at least six (6) inches in height must be used.

- (4) Only approved materials may be burned in a recreational fire.
- (5) Recreational fires shall be constantly attended by at least one competent person eighteen (18) years of age or older and shall be completely extinguished before being abandoned.
- (6) On-site fire-extinguishing equipment – such as operable garden hoses, sand and shovels, water buckets or barrels, or a portable fire extinguisher with a minimum 4-A rating – shall be readily available for use at recreational fires.
- (7) Recreational fires shall only be conducted between the hours of 9:00 a.m. and 10:00 p.m.
- (8) Recreational fires shall not be conducted if prevailing wind conditions exceed 10 m.p.h.

178.30. Discontinuance. The fire chief, chief of police or any authorized member of the fire department, fire prevention bureau, or officer of the police department may order the immediate extinguishment or may themselves immediately extinguish any recreational fire which falls into any one of the following categories:

- (1) Creates a hazardous or unsafe condition.
- (2) Creates a nuisance or reasonably objectionable situation for any nearby resident.
- (3) Violates any provision of this chapter or of any other chapter of this Code.
- (4) Violates any provision of the Minnesota State Fire Code.

178.40. Penalty. (a) Each violation of any provision of this chapter shall be a petty misdemeanor, for which the maximum fine shall be eighty dollars (\$80.00).

(b) The fire chief, chief of police or any authorized member of the fire department, fire prevention bureau, or officer of the police department shall have the power and duty to enforce this chapter through appropriate administrative and legal remedies, including but not limited to issuance of citation.

178.50. Applicability. This chapter shall apply solely to recreational fires (including portable freestanding fireplaces and “chimineas”) but shall not apply to barbeque grills, incinerators, barbeque pits or any other appliances or burning otherwise specifically regulated by the Minnesota State Fire Code.

178.60. Conflict. In the event that any provisions of this chapter conflict with the Minnesota State Fire Code or any other federal or Minnesota statute, rule, or law, the more restrictive provision shall prevail.

Adopted 12/15/03.

PS&RS - Your Committee, having under consideration the application of Excelsior Bar Investment Group LLC, dba Pancharo's Mexican Grill, 600 Hennepin Av #240, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2004, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/15/03.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of La Que Buena Inc, dba La Que Buena, 1609 E Lake St, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2004, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/15/03.

Declining to Vote - Benson.

Approved by Mayor Rybak 12/15/03.

(Published 12/17/03)

PS&RS - Your Committee, having under consideration the application of Mourado's Liquors Inc, dba Mourado's Liquors, 2426 2nd St NE, for an Off-Sale Liquor License (change in ownership from Lowry Liquor Store Inc) to expire October 1, 2004, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Samuels moved to amend the report by deleting the language “ subject to final inspection and compliance with all provisions of applicable codes and ordinances” and inserting in lieu there the following:

"subject to the following conditions:

- a. no sales of single bottles or cans of beer/malt liquor will occur.
- b. no sales of inexpensive fortified wines in half-pint or pint (or their metric equivalent) will occur.
- c. change in excess of \$2 will not be accepted for any beverage alcohol purchase.
- d. final inspection and compliance with all provisions of applicable codes and ordinances."

Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/15/03

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 12/15/03.

Declining to Vote - Benson.

Approved by Mayor Rybak 12/15/03.

(Published 12/17/03)

Resolution 2003R-589, granting applications for Liquor, Wine and Beer Licenses, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-589

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2004

T H S Hotel Operations Inc, dba Crowne Plaza, 618 2nd Av S (new corporate officer);

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2004

Hey City Theater Company, dba Hey City Theater Company, 824 Hennepin Av (new manager);

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2004

Buca Restaurant 2 Inc, dba Buca Di Beppo, 11 S 12th St (new manager);

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2004

Goodfellow's LLP, dba Goodfellow's, 40 S 7th St (new manager);

Temporary On-Sale Liquor

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (December 5, 2003, 5:00 p.m. to 7:30 p.m. in Skyway over Nicollet Mall, 9th - 10th Sts; Licensed Facilitator: The Local);

Basilica of St. Mary, dba Basilica of St. Mary, 88 17th St N (December 10, 2003, 5:00 p.m. to 10:30 p.m.; Licensed Facilitator: D'Amico Catering);

On-Sale Wine Class E with Strong Beer, to expire April 1, 2004

Sabor Latino Inc, dba Sabor Latino Restaurant, 2505 Central Av NE (new business);

H J H Inc, dba Swatdee Uptown, 2650 Hennepin Av (internal transfer of shares);

On-Sale Wine Class E with Strong Beer (Provisional), to expire April 1, 2004

Nelmatt LLC, dba Matt's Bar, 3500 Cedar Av S (upgrade from On-Sale 3.2% beer);

Temporary On-Sale Wine

Catalyst Foundation, dba Catalyst Foundation, 710 St. Olaf Av, Northfield (November 22, 2003, 5:00 p.m. to 8:00 p.m. at Old Arizona Studio, 2821 Nicollet Av; Licensed Facilitator: Nat Joseph Catering Inc);

Carleton College, dba Carleton College, One North College, Northfield (December 4, 2003, 10:00 p.m. to Midnight at Borders Books, 600 Hennepin Av; Licensed Facilitator: Le Meriden Hotel).

Adopted 12/15/03.

Declining to Vote - Benson.

Approved by Mayor Rybak 12/15/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 12/15/03.

Resolution 2003R-590, granting applications for Business Licenses, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-590

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of December 15, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269250):

Amusement Devices; Christmas Tree; Dry Cleaning & Laundry Pickup Station; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; Caterers; Confectionery; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hospital; Hotel/Motel; Juke Box - Musical; Lodging House; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Plumber; Residential Specialty Contractor; Sign Hanger; Tattooist/Body Piercer; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Transient Merchant; Tree Servicing; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted 12/15/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 12/15/03.

Resolution 2003R-591, granting applications for Gambling Licenses, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-591

By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Class A

Southwest Hockey Association, dba Southwest Hockey Association, 3001 E Lake St (Site: Eagles Aerie #34, 2507 E 25th St);

Gambling Class B

Roosevelt Booster Club Inc, dba Roosevelt Booster Club Inc (4029 28th Av S (Site: Halek's Bar, 2024 Washington Av N);

Southwest Hockey Association, dba Southwest Hockey Association (3011 E Lake St (Site: Cloggy's Tavern, 5404 34th Av S);

Southwest Hockey Association, dba Southwest Hockey Association (3011 E Lake St (Site: Casey's Bar & Grill, 3510 Nicollet Av);

Southwest Hockey Association, dba Southwest Hockey Association (3011 E Lake St (Site: 4th Street Saloon, 328 W Broadway);

Southwest Hockey Association, dba Southwest Hockey Association (3011 E Lake St (Site: Poodle Club, 3001 E Lake St);

Southwest Hockey Association, dba Southwest Hockey Association (3011 E Lake St (Site: Country Bar & Grill, 3006 Lyndale Av);

Gambling Lawful Exempt

All Saints Catholic Church, dba All Saints Catholic Church, 435 4th St NE (Bingo November 23, 2003).

Adopted 12/15/03.

PS&RS - Your Committee recommends that the proper City Officers be authorized to execute Amendment #1 to the Latino Crime Prevention Grant Agreement with the State of Minnesota, Department of Public Safety, Office of Justice Programs, to extend the performance period to allow the Police Department to expend all available grant funds for the Latino Community Coordinator, program evaluator, translator services, community building activities, community events, crime prevention workshops and adult and youth Latino Citizens' Academies.

Adopted 12/15/03.

PS&RS - Your Committee, having received a report on the 2003 Youth Access to Alcohol Compliance Report (Petn No 269251), now recommends passage of the accompanying Resolution approving the Alcohol Compliance Check Program for 2004.

Adopted 12/15/03.

Resolution 2003R-592, approving the Alcohol Compliance Check Program for 2004, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-592

By Niziolek

Approving the Alcohol Compliance Check Program for 2004.

Resolved by The City Council of The City of Minneapolis:

That the following Alcohol Compliance Check Program for 2004 be approved:

Group Retailers by their performance over the past four years

Group A: Retailers that have passed two or more consecutive attempts without a subsequent failure — 25% would be randomly shopped.

Group B: Retailers that have not passed two or more consecutive attempts without a subsequent failure — 55% would be randomly shopped.

Retailers that fail a compliance check would be re-checked within 30 to 60 days. If they pass the re-check, they would be placed in Group B. If they fail, they would be re-checked a second time

within 30 to 60 days. If they pass the second re-check, they would be placed in Group B. Any retailer failing up to three compliance checks within 24 months would be subject to the established penalty matrix. Any Retailer failing four checks within 24 months would be referred to the City Council for disciplinary action in accordance with the penalty matrix.

Adopted 12/15/03.

PS&RS - Your Committee recommends that the proper City Officers be authorized to accept and approve the Police Mediation Agreement, as set forth in Petn No 269252 on file in the Office of the City Clerk.

Adopted 12/15/03.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee, having under consideration the Minnesota Equipment and Training Grant, now recommends passage of the accompanying Resolution amending Resolution 2003R-021 to transfer \$5,000 from the Police Department to the Fire Department for Weapons of Mass Destruction Training and for the regional combination of a chemical/biological exercise.

Adopted 12/15/03.

Resolution 2003R-593, transferring \$5,000 from the Police Department to the Fire Department for Weapons of Mass Destruction Training and for the regional combination of a chemical/biological exercise, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-593
By Niziolek and Johnson

Amending Resolution 2003R-021 entitled "The 2003 General Appropriation Resolution", passed January 31, 2003.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows to transfer \$5,000 from the Police Department to the Fire Department for training:

Minnesota Equipment and Training Grant:

- a. reducing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-DT09) by \$5,000 and reducing the Revenue Source (060-400-DT09 - Source 3215) by \$5,000;
- b. increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2800) by \$5,000 and increasing the Revenue Source (060-280-2800 - Source 3215) by \$5,000.

Adopted 12/15/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept \$20,500 from the Neighborhood Revitalization Program, McKinley Neighborhood Association, for the Fire Department to purchase two Thermal Imaging Systems. Further, passage of the accompanying Resolution appropriating \$20,500 to the Fire Department.

Adopted 12/15/03.

Resolution 2003R-594, appropriating \$20,500 to the Fire Department for the purchase of two Thermal Imaging Systems, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-594
By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$20,500 and increasing the Revenue Source (060-280-2820 - Source 3840) by \$20,500.

Adopted 12/15/03.

PS&RS & W&M/Budget - Your Committee recommends that report passed October 10, 2003 relating to the St. Phillip's Community Outreach Project be amended to read as follows:

"Your Committee, having under consideration the St. Philip's/Redeemer Initiative, now recommends that the proper City Officers be authorized to execute an agreement with the Redeemer Center for Life to accept up to \$104,000 to provide funds to pay the salary of a Crime Prevention Specialist to work with the Initiative for a two-year period. The Police Department will pay the fringe benefits for said position. Further, passage of the accompanying Resolution appropriating \$104,000 to the Police Department."

Adopted 12/15/03.

Resolution 2003R-595, appropriating \$104,000 to the Police Department for the St. Philip's/Redeemer Initiative, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-595
By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P400) by \$104,000 and increasing the Revenue Source (030-400-P400 - Source 3210) by \$104,000.

Adopted 12/15/03.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration a special assessment deferment application (Senior Citizen) submitted by Delores Gordon to defer the following assessments on the property at 2125 Dupont Ave N, PID 16-029-24-14-0180:

1. Special assessment (Levy 01083, Project 04SWR) for sewer service line repair in the principal amount of \$2794.00 for payable 2004 and subsequent years; and
2. Special assessment (Levy 01026, Project 2740) for street improvement in the principal amount of \$824.68 (balance remaining as of 12/31/02) for payable 2003 and subsequent years;

now recommends that the application be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted 12/15/03.

T&PW - Your Committee, having under consideration establishing three vertical clearance routes to accommodate transporting power transformers for the Hiawatha Light Right Transit line, now recommends passage of the accompanying Resolutions:

- a. Rescinding Resolution 86R-147 passed April 11, 1986;
- b. Establishing three routes for all future pedestrian bridges or other permanent street crossings to be constructed above the roadways on certain City streets as set forth in Petn No 269257 on file in the Office of the City Clerks, and directing the City Engineer to ensure that these routes be maintained free of new encroachments.

Adopted 12/15/03.

Resolution 2003R-596, rescinding Resolution No. 86R-147 entitled "Establishing a vertical clearance route on certain City streets to accommodate Northern States Power Company's transporting of power transformers", was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-596
By Colvin Roy

Rescinding Resolution No. 86R-147 entitled "Establishing a vertical clearance route on certain City streets to accommodate Northern States Power Company's transporting of power transformers", passed April 11, 1986.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled resolution be and is hereby rescinded.
Adopted 12/15/03.

Resolution 2003R-597, establishing vertical clearance route on certain City streets to accommodate Xcel Energy's transporting of power transformers, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-597
By Colvin Roy

Establishing vertical clearance route on certain City streets to accommodate Xcel Energy's transporting of power transformers.

Whereas, there is an electrical substation located at the corner of Nicollet Mall and South 5th Street; and

Whereas, it is know that at some future date the transformers at this substation will need to be removed; and

Whereas, the route the City had previously reserved for the movement of these electrical transformers from the substation to a rail transfer site is no longer available;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the minimum vertical clearance heights as identified below for all future pedestrian bridges or other permanent street crossings to be constructed above the roadways on certain City streets as described below to accommodate Xcel Energy's transporting of power transformers.

Beginning at the intersection of 5th Street South and Nicollet Mall:

Route A – 18' Vertical Clearance from curb face to curb face

5th Street South - between Nicollet Mall and Hennepin Avenue to

Hennepin Avenue - south to

7th Street North - west to

1st Avenue North - south to

Hawthorne Avenue North - south to

11th Street North - northwest to

Glenwood Avenue - west to

Colfax Avenue North - south to

Routes B & C - 18.5' Vertical Clearance from curb face to curb face

5th Street South - between Nicollet Mall and Hennepin Avenue to

Nicollet Mall (Route B) and Hennepin Avenue (Route C) - north to

Washington Avenue - east to

Marquette Avenue - north to

1st Street South - east to

3rd Avenue South - south to

2nd Street South - east to

Portland Avenue South - south to

Washington Avenue South - east to

Cedar Avenue South - south to

Riverside Avenue - southeast to

26th Avenue South - south to

Minnehaha Avenue - south to

East 40th Street - west to

Railroad transfer site

Be It Further Resolved that the City Engineer ensure that this route be maintained free of encroachments.

Adopted 12/15/03.

T&PW - Your Committee, having under consideration the American Indian Center renovation project, now recommends that the proper City officers be authorized to execute Change Orders No 1 and 2 increasing Contract No 19654 with Braden Construction, Inc by \$6,355.33, for a new revised contract amount of \$432,305.33, and extending the completion date to 1/14/04, with no additional appropriation required.

Adopted 12/15/03.

T&PW - Your Committee, having under consideration the Nicollet Mall Advisory Board, now recommends acceptance of the resignation of E. B. Gill, Vice President and CEO of the Minnesota Orchestral Association, and appointment of Dan Kupfer, Facilities Manager for the Minnesota Orchestra Association, to fill the unexpired term of E. B. Gill for a term to expire 12/31/04.

Adopted 12/15/03.

T&PW - Your Committee recommends that the proper City officers be authorized to execute a Quit Claim Deed to the Heritage Housing, LLC for release of a street easement of Howell Drive, as created in an easement deed recorded 10/1/70 as Document No 3848708 in the office of the Hennepin County Recorder.

Adopted 12/15/03.

T&PW - Your Committee, having under consideration a street easement on the south side of Broadway Street NE, now recommends acceptance of an Easement Deed, at no cost to the City, from Hillcrest Development for future street development over the following described parcel of land:

The North 20 feet of the West 494.3 feet and the North 30 feet of the East 100 feet of Lot 1, Auditors Subdivision No. 268, Hennepin County, Minnesota.

Adopted 12/15/03.

T&PW - Your Committee recommends passage of the accompanying Resolution authorizing the proper City officers to execute the Proposed State of Minnesota, Department of Transportation (MnDOT) Routine Maintenance Agreement No 84594 between MnDOT and the City of Minneapolis effective 7/1/03 through 6/30/05.

Adopted 12/15/03.

Resolution 2003R-598, enter into an Agreement with the State of Minnesota Department of Transportation (Mn/DOT) to perform routine maintenance activities on State Trunk Highways in the City of Minneapolis, effective July 1, 2003 through June 30, 2005, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-598

By Colvin Roy

Enter into an Agreement with the State of Minnesota Department of Transportation (Mn/DOT) to perform routine maintenance activities on State Trunk Highways in the City of Minneapolis, effective July 1, 2003 through June 30, 2005.

Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis enters into MnDOT Agreement No 84594 with the State of Minnesota, Department of Transportation to provide for routine maintenance by the City on State trunk highways, bridges, and Hiawatha Tunnel as defined in said Agreement.

Be It Further Resolved that the Mayor and the Finance Officer are authorized to execute the Agreement.

Adopted 12/15/03.

T&PW - Your Committee, having under consideration the Heritage Park Project and having been informed that the project requires the widening of the right-of-ways, now recommends passage of the accompanying Resolution authorizing the proper City officer to commence eminent domain proceedings for improvements related to the project on portions of the following properties:

Summit Academy OIC (901, 921, & 1101 Olson Memorial Hwy);

Cooperative Printing (1101 Plymouth Av N, and 1109 12th Av N); and

City View Apartments (1146 Emerson Av N).

Adopted 12/15/03.

Declining to Vote - Johnson Lee.

Resolution 2003R-599, authorizing the exercise of the City's power of eminent domain for the development of the Heritage Park, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-599

By Colvin Roy

Authorizing the exercise of the City's power of eminent domain for the development of the Heritage Park.

Whereas, the City as part of the development of Heritage Park needs to acquire certain property for infrastructure including streets and roadways; and

Whereas, the acquisition of said property is in the public interest and serves a valid public purpose;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Attorney or designee is hereby authorized to acquire portions of the property located at 901, 921 & 1101 Olson Memorial Highway; 1101 Plymouth Avenue North; 1109 12th Avenue North and 1146 Emerson Avenue North through the exercise of the City's power of condemnation.

Adopted 12/15/03.

Declining to Vote - Johnson Lee.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration Pump Station No 5 and alternate reservoir connection, now recommends that the proper City officers be authorized to execute Amendment No 1 increasing Contract No C-16076 with Short Elliott Hendrickson, Inc. by \$158,538 for a new revised contract amount of \$458,538, for the scope of design and length of construction phase services, with no additional appropriation required.

Adopted 12/15/03.

T&PW & W&M/Budget - Your Committee, having under consideration the Van White Memorial Boulevard in the Bassett Creek Valley area, now recommend the following:

a) Authorizing the proper City officers to execute and enter into agreements with the State of Minnesota that prescribe the terms and conditions of federal aid participation for the construction of the Van White Memorial Boulevard segment south of approximately 4th Avenue North; and

b) Passage of the accompanying Resolution appointing the Minnesota Commissioner of Transportation as Agent of the City to accept federal aid funds relating to the project.

Adopted 12/15/03.

Resolution 2003R-600, appointing the Minnesota Commissioner of Transportation as Agent of the City to accept federal aid funds, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-600
By Colvin Roy and Johnson

Appointing the Minnesota Commissioner of Transportation as Agent of the City to accept federal aid funds.

Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Statue Section 161.36, the Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept as its agent, federal aid funds relating to the project known as Van White Memorial Boulevard.

Be It Further Resolved that the Mayor, Finance Officer, and Clerk are hereby authorized and directed on behalf of the City to execute and enter into agreements with the Minnesota Commissioner of Transportation that prescribe the terms and conditions of said federal aid participation funds for the project known as Van White Memorial Boulevard.

Adopted 12/15/03.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget – Your Committee recommends concurrence with the recommendation of the City Attorney in approving the request of Officers Mark Johnson and Lucas Peterson for reimbursement of attorneys' fees payable to Frederic Bruno & Associates in the amount of \$3,984.09 from the Self Insurance Fund (6900-150-1500).

Adopted 12/15/03.

W&M/Budget – Your Committee recommends concurrence with the recommendation of the City Attorney in approving the request of Officers Mark Bohnsack and James Boyd for reimbursement of attorneys' fees payable to Frederic Bruno & Associates in the amount of \$3,471.95 and Rice, Michels & Johnson in the amount of \$1,831.25 from the Self Insurance Fund (6900-150-1500).

Adopted 12/15/03.

W&M/Budget – Your Committee recommends concurrence with the recommendation of the City Attorney that the lawsuit of Sustainable Resources, Inc. be settled by payment in the amount of \$108,171 to Sustainable Resources, Inc. and their attorney, Shirley Lerner, payable from the Grants Fund (0300-835-1500), and further that the City Attorney's Office be authorized to execute all documents necessary to finalize said settlement.

Adopted 12/15/03.

(Republished March 2, 2004)

W&M/Budget – Your Committee recommends concurrence with the recommendation of the City Attorney that the lawsuit of Shyanna Freeman be settled by payment in the amount of \$180,000 to Ms. Freeman and her attorney, Donna Roback, payable from the Self Insurance Fund (6900-150-1500), and further that the City Attorney's Office be authorized to execute all documents necessary to finalize said settlement.

Adopted 12/15/03.

Declining to Vote - Johnson, Goodman, Lane.

W&M/Budget – Your Committee recommends passage of the accompanying resolution authorizing execution of release and settlement documents and payment of \$150,000 relative to termination of the agreement with Bayerische Hypo- und Vereinsbank AG as bond liquidity provider for the City.

Adopted 12/15/03.

Resolution 2003R-601, authorizing execution of release and settlement documents and payment of \$150,000 relative to termination of the agreement with Bayerische Hypo- und Vereinsbank AG as bond liquidity provider for the City, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-601

By Johnson

Authorizing execution of release and settlement documents relative to termination of the City bond liquidity agreement with Bayerische Hypo- und Vereinsband AG.

Resolved by The City Council of The City of Minneapolis:

That the recommendation of the Finance Officer and City Attorney that the Mutual Release and Termination of Standby Bond Purchase Agreements with Bayerische Hypo- und Vereinsbank AG (former bond liquidity provider for the City) be approved and that the proper City officers be authorized to execute a final release document (as contained in Petn No 269268 on file in the Office of the City Clerk); and that the Finance Officer be authorized to settle the financial terms of the release by paying

\$150,000 in respect of accrued and unpaid commitment fees and unreimbursed fees and expenses owed under the terminated Standby Bond Purchase Agreements.

Adopted 12/15/03.

W&M/Budget – Your Committee, having under consideration renewal of the City's contract with the Greater Minneapolis Convention & Visitors Association (GMCVA), now recommends that the proper City officers be authorized to execute a contract with the GMCVA to provide sales and marketing services for the period of January 1, 2004 through December 31, 2009 for costs not to exceed the following:

- \$4,910,000 as base contract funding;
- \$120,000 as a salary transfer from the Minneapolis Convention Fund;
- \$100,000 for program transfer as specified by the City Council;
- \$1,350,000 estimated one-percent hotel tax collection for calendar year 2004.

Adopted 12/15/03.

Approved by Mayor Rybak 12/15/03.

(Published 12/17/03)

W&M/Budget – Your Committee recommends acceptance of contributed funds that have been received into the Convention Event Fund in the amount of \$117,250 to provide payment to the Greater Minneapolis Convention & Visitors Association (GMCVA) for expenses incurred for the following:

a) The International Municipal Lawyers Association (IMLA) Convention that was held in October of 2003; and

b) The operation of TC Tix ticket outlet locations in Minneapolis.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the GMCVA to reflect the receipt of said funds.

Adopted 12/15/03.

RESOLUTION 2003R-602

By Johnson

Amending the 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above entitled resolution, as amended, be further amended by increasing the appropriation for the Convention and Visitors Association Agency in the Convention Related Fund (0760-864-8642) by \$117,250 and increasing the revenue source (0760-864-8642 – Source 3720) by \$117,250.

Adopted 12/15/03.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to extend Contract #C98-13050 with CorVel Corporation to continue their provision of Certified Managed Care and Employment Services to March 31, 2004 under the same administrative fee arrangement (total fees for the three-month extension are estimated at \$36,250). A request for proposals for managed care and employment services will be issued in January of 2004.

Adopted 12/15/03.

W&M/Budget – Your Committee, having been informed that Hennepin County has authorized a 2003 Waste Abatement Incentive Fund Grant for the City to utilize in implementing a program to reduce per capita office paper in City operations, now recommends:

- a) Acceptance of said grant in the amount of \$24,500;
- b) Authorization to execute a contract with Hennepin County to receive said funds;

c) Authorization for the proper City staff to develop and execute a professional services contract with Materials Productivity, LLC for consultant services in implementing said program.
Adopted 12/15/03.

W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 20, Article VIII of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, amending language relating to payments for unused sick leave to comply with regulations of the Internal Revenue Service, eliminating archaic language and conforming the ordinance to match current City practices supporting the equitable treatment of employees, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 12/15/03.

Ordinance No. 2003-Or-144, amending Title 2, Chapter 20, Article VIII of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, amending language relating to payments for unused sick leave to comply with regulations of the Internal Revenue Service, eliminating archaic language and conforming the ordinance to match current City practices supporting the equitable treatment of employees, was passed 12/15/03 by the City Council. A complete copy of this ordinance is available for public inspection in the Office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-144

By Colvin Roy

Intro & 1st Reading: 11/21/03

Ref to: W&M/Budget

2nd Reading: 12/15/03

Amending Title 2, Chapter 20, Article VIII of the Minneapolis Code of Ordinances relating to Administration: Personnel: Sick Leave.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 20.550 of the above-entitled ordinance be amended to read as follows:

20.550. Sick leave credit pay plan. (a) *Eligibility.* City employees, ~~other than uniformed public safety personnel, except the police chief, fire chief, assistant fire chiefs, and deputy police chiefs,~~ with a sick leave balance of sixty (60) days or more on December 1, 2001, and each year thereafter shall be eligible to make an election to receive compensation for future earned sick leave.

(b) *Election.* On or before December 31 of each year commencing with 2001 eligible employees shall submit a sick leave credit pay plan election form to the human resources benefits department. An eligible employee must elect whether to receive a cash payment for all or any portion of sick leave that is earned ~~but unused~~ during the calendar year immediately following the election. Such election is irrevocable. An eligible employee who fails to submit a sick leave credit pay plan election form to the human resources department on or before December 31 of each year shall be considered to have elected not to receive a cash payment for all or any portion of sick leave that is earned ~~but unused~~ during the calendar year immediately following the election.

(c) *Payment.* Within sixty (60) days after the end of the calendar year immediately following the election, an eligible employee who has elected to receive cash payment shall be paid as follows:

(1) Accumulated sick leave of at least sixty (60) days, but less than ninety (90) days. Payment for sick leave days earned ~~but unused~~ during the calendar year immediately following the election shall be at the rate of fifty (50) percent of the daily rate of pay in effect on December 31 of that year.

(2) Accumulated sick leave of at least ninety (90) days, but less than one hundred twenty (120) days. Payment for sick leave days earned ~~but unused~~ during the calendar year immediately following the election shall be at the rate of seventy-five (75) percent of the daily rate of pay

in effect on December 31 of that year.

- (3) Accumulated sick leave of at least one hundred twenty (120) days. Payment for sick leave days earned but unused during the calendar year immediately following the election shall be at the rate of one hundred (100) percent of the daily rate of pay in effect on December 31 of that year.

(d) ~~Payment for the sick leave earned but unused in the year 2001. City employees, other than uniformed public safety personnel, except the police chief, fire chief, assistant fire chiefs, and deputy police chiefs, with a sick leave balance of sixty (60) days or more on December 31, 2001, and who elected in 2000 to receive compensation for the unused sick leave earned in 2000, shall receive compensation for unused sick leave, above the minimum limits earned in the year 2001 in accordance with the following schedule:~~

~~(1) At least sixty (60) days, but less than ninety (90) days. Payment for sick leave days earned but unused during the year 2001 in excess of sixty (60) days shall be at the rate of fifty (50) percent of the daily rate of pay in effect on December 31, 2001.~~

~~(2) At least ninety (90) days, but less than one hundred twenty (120) days. Payment for sick leave days earned but unused during the year 2001 in excess of ninety (90) days shall be at the rate of seventy-five (75) percent of the daily rate of pay in effect on December 31, 2001.~~

~~(3) At least one hundred twenty (120) days. Payment for sick leave days earned but unused during the year 2001 in excess of one hundred twenty (120) days shall be at the rate of one hundred (100) percent of the daily rate of pay in effect on December 31, 2001.~~

~~City employees, other than uniformed public safety personnel, except the police chief, fire chief, assistant fire chiefs, and deputy police chiefs, with an accumulation of sick leave of sixty (60) days or more on December 31, 2001, and who had either a balance of less than sixty (60) days sick leave in 2000 or had elected in 2000 not to receive a cash payment for earned but unused sick leave earned in 2000, shall receive no payment for earned but unused sick leave in 2001 but shall continue to accumulate any unused sick leave days earned in 2001.~~

~~(e) Subsection (d) and (e) of this section are automatically repealed without further action on March 1, 2002.~~

Adopted 12/15/03.

W&M/Budget – Your Committee, having under consideration the recommendation of the City Attorney that the City discontinue its practice of allowing the Center for Energy & Environment (CEE) to participate in the City's benefit plans, now recommends passage of the accompanying resolution amending Resolution 89R-377 to discontinue CEE participation in the City's medical, dental, basic life insurance and optional life insurance programs, effective January 1, 2005.

Adopted 12/15/03.

Resolution 2003R-603, amending Resolution 89R-377 to discontinue Center for Energy & Environment participation in the City's medical, dental, basic life insurance and optional life insurance programs, effective January 1, 2005, was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-603

By Johnson

Amending Resolution 89R-377 entitled "Designating the provision of Energy and Environmental Programs", passed September 1, 1989.

Resolved by The City Council of the City of Minneapolis:

That the above-entitled resolution be amended by deleting the following paragraph:

"That the CEUE be authorized as an independent nonprofit agency eligible to participate in the City's medical, dental, basic life insurance and optional life insurance group benefit plans. None of

the aforementioned plans will be covered under Minneflex.”;

and inserting in lieu thereof the following language:

“That as of January 1, 2005, the Center for Energy and Environment, formerly known as the Center for Energy and the Urban Environment, is not authorized to participate in the City’s medical, dental, basic life insurance and optional life insurance group benefit plans.”

Adopted 12/15/03.

W&M/Budget – Your Committee, having under consideration the establishment of a Voluntary Employee Beneficiary Association (VEBA) plan/trust fund for City employee health care funds, now recommends adoption of the Retirement Enhancement and Benefit Alternatives VEBA Plan (as recommended by the Human Resources Director and further outlined in Petn No 269269) and that the proper City officers be authorized to enter into a Trust Agreement with Manufacturers and Traders Trust Company for the period of January 1, 2004 through December 31, 2006.

Adopted 12/15/03.

Approved by Mayor Rybak 12/15/03.

(Published 12/17/03)

W&M/Budget – Your Committee recommends that the proper City officers be authorized to enter into a contract with Administration Resources Corporation (ARC) for the provision of administration of the City’s Minneflex plan for the period of January 1, 2004 through December 31, 2006.

Adopted 12/15/03.

Approved by Mayor Rybak 12/15/03.

(Published 12/17/03)

W&M/Budget – Your Committee recommends that the proper City officers be authorized to enter into a contract with ING for the provision of long term disability insurance for City employees for the one-year period of January 1, 2004 through December 31, 2004. A request for proposals seeking a three-year contract for the provision of said services will be issued in 2004.

Adopted 12/15/03.

Approved by Mayor Rybak 12/15/03.

(Published 12/17/03)

W&M/Budget - Your Committee recommends passage of the accompanying resolution allowing City departments to enter into agreements with employees who are under the Public Employees Retirement Association general plan or police or fire plans regarding reduced hours and unpaid leave, pursuant to Chapter 12 of the 2003 Minnesota Special Legislative Session.

Adopted 12/15/03.

Resolution 2003R-604, allowing City departments to enter into agreements with employees who are under the Public Employees Retirement Association general plan or police or fire plans regarding reduced hours and unpaid leave, was passed 12/15/2003 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-604

By Johnson

Allowing City departments to enter into agreements with employees who are under the Public Employees Retirement Association general plan or police or fire plans regarding reduced hours and unpaid leave, pursuant to Chapter 12 of the 2003 Minnesota Special Legislative Session

Resolved by The City Council of The City of Minneapolis:

1) Authorize City Departments, that meet the criteria listed in paragraph # 3 below, to enter into voluntary hour reduction plans with employees, in any job classification, who are under the Public Employees Retirement Association general plan or police and fire plan.;

2) Authorize City Departments, that meet the criteria listed in paragraph # 4 below, to enter into voluntary unpaid leave plans with employees, in any job classification, who are under the Public Employees Retirement Association general plan or police and fire plan;

3) The criteria that must be met for a City Department to enter into a voluntary hour reduction plan agreement with an employee are as follows:

- a. A Department can only enter into a voluntary hour reduction plan agreement with an employee if the employee, on June 1, 2003, was regularly scheduled to work 1,040 or more hours a year in a position covered by the Public Employees Retirement System ("PERA") and the employee will work 1,040 or less hours under the plan agreement;
- b. Any agreement that the Department enters into with an employee must be in writing;
- c. Any agreement that the Department enters into with an employee must be limited to the period between June 1, 2003 and June 30, 2005;
- d. Any agreement that the Department enters into with an employee must specify the number of hours that the employee will work, the work schedule, and the duration of the voluntary hour reduction plan;
- e. Any agreement must state that the employee will get the benefits as is allowed under the applicable union contract or City Policy based on the number of reduced hours to be worked;
- f. Any agreement must state that PERA will charge the employee interest at the rate of 8.5 percent a year compounded annually if PERA does not receive full payment of employee contributions within 31 days of the end of each calendar quarter in which there is a reduction in hours;
- g. The Department determines what job classifications or positions within job classifications will be provided the opportunity to enter into reduced hour plan agreements;
- h. In determining whether a department will enter into a reduced hour plan agreement, the department should consider the following:
 - i. The impact of any resulting reduction in services on the department or on others;
 - ii. The savings of salary that would no longer have to be paid under the reduced hours schedule;
 - iii. Continuing employer contributions to PERA, which will continue to be based on unreduced work hours, even though work hours will be reduced;
 - iv. The cost in paying another employee or an independent contractor to perform the duties that the employee, who is on the reduced hour schedule, cannot perform during the reduced hours;
 - v. That PERA will charge the employee interest at the rate of 8.5 percent a year compounded annually if PERA does not receive full payment of employee contributions within 31 days of the end of each calendar quarter in which there is a reduction in hours; and
 - vi. That PERA will charge the employer interest at the rate of 8.5 percent a year compounded annually if PERA does not receive full payment of employer contributions within 31 days of the end of each calendar quarter in which there is a reduction in hours.

4) The criteria that must be met for a City Department to enter into an unpaid voluntary leave of absence agreement with an employee are as follows:

- a. Any agreement that the Department enters into with an employee must be in writing;
- b. Any agreement that the Department enters into with an employee must be limited to the period between June 1, 2003 and June 30, 2005;
- c. Any agreement that the Department enters into with an employee must specify:
 - i. The time period of the leave;
 - ii. That vacation, sick leave, and seniority will continue to accrue during the leave;
 - iii. That insurance benefits will continue during the leave;
 - iv. That the employee will be entitled to holiday pay during the leave;
 - v. That if the employee pays the employee contribution for the leave period, the employer

- will pay the employer's contributions for the leave period; and
- vi. That PERA will charge the employee interest at the rate of 8.5 percent a year compounded annually from the end of the leave until the date employee contributions for the leave period are paid to PERA;
- d. The Department determines what job classifications or positions within job classifications will be provided the opportunity to enter into unpaid voluntary leave of absence agreements;
 - e. In determining whether a department will enter into an unpaid voluntary leave of absence agreement, the department should consider the following:
 - i. The impact of any resulting reduction in services on the department or on others;
 - ii. The savings of salary that would no longer have to be paid during the voluntary leave period;
 - iii. Continuing employer contributions to PERA, which will continue to be paid during periods of voluntary leave if the employee pays the employee's contribution;
 - iv. The cost in paying another employee or an independent contractor to perform the duties that the employee cannot perform because of the leave;
 - v. That PERA will charge the employee interest at the rate of 8.5 percent a year compounded annually from the end of the leave until the date employee contributions for the leave period are paid to PERA.

Be It Further Resolved that PERA will charge the employer interest at the rate of 8.5 percent a year compounded annually from the end of the leave until the date employer contributions for the leave period are paid to PERA.

Adopted 12/15/03.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) seeking professional services to implement a Citizen Relationship Management/Work Order Management System to improve methods to reach and respond to citizens.

Adopted 12/15/03.

Approved by Mayor Rybak 12/15/03.

(Published 12/17/03)

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends acceptance of the low bid submitted by LeJeune Steel Company in the amount of \$1,692,000 for furnishing and delivering all material, labor, equipment and incidentals necessary to accomplish the structural steel work called for in Contract 6 of the Minneapolis Central Library Bid Package No. 5, all in accordance with City specifications.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project/service.

Adopted 12/15/03.

Approved by Mayor Rybak 12/15/03.

(Published 12/17/03)

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by J. Sven Gustafson, for Aaron and Andrea Switz, from the decision of the Planning Commission denying an application for a conditional use permit to increase the height of a proposed home at 3630 Zenith Ave S, in the Shoreland Overlay District, from the permitted 2.5 stories to 3 stories, now recommends that the appeal be granted and the conditional use permit be approved.

Lane moved to amend the report by deleting the language, "granted and the conditional use permit be approved" and inserting in lieu thereof, "denied, and that the decision of the Planning Commission be upheld." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/15/03. Yeas, 8; Nays, 4 as follows:

Yeas - Johnson, Colvin Roy, Zerby, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Schiff, Lilligren, Johnson Lee, Niziolek.

Declining to vote - Zimmermann.

Z&P - Your Committee, having under consideration the appeal filed by David Choate, for Dinkytown McDonald's, from the decision of the Planning Commission denying an application for conditional use permit and expansion of a nonconforming use to allow extended hours of operation of the fast food restaurant drive-through window service at 407 - 15th Ave SE, now recommends that the appeal be granted and the extended hours be approved.

Adopted 12/15/03. Yeas, 10; Nays, 3 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Benson, Lane, Samuels, Ostrow.

Nays - Schiff, Niziolek, Goodman.

Z&P - Your Committee, having under consideration the appeal filed by Isidro Perez from the decision of the Planning Commission approving a conditional use permit allowing a parking lot in the Transitional Parking (TP) Overlay District at 2741 Blaisdell Ave S, with the requirement that the existing refuse storage enclosure be removed from the off-site parking lot, and a variance from the requirement that the TP Overlay District have a side lot line that abuts the commercial district being served, now recommends that the appeal be denied, and that the findings prepared by the Planning Department staff be adopted.

Adopted 12/15/03.

Z&P - Your Committee, having under consideration the appeal filed by Harold Cottle from the decision of the Planning Commission approving the application of Dayax Ahmed and Mohammud Noor for a variance to reduce the minimum required parking from 21 spaces to zero for Kulan Café House, 120 1/2 W Lake St, now recommends that said appeal be sent forward without recommendation.

Zimmermann moved to amend the report by deleting the language, "sent forward without recommendation" and inserting in lieu thereof, "denied." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 12/15/03.

Z&P - Your Committee, having under consideration the appeal filed by Abdiwahab Mohamed, for Sabri Commons Phase II, from the decision of the Planning Commission denying an application for conditional use permit to allow extended hours of operation for a reception/meeting hall at 3013-33 - 2nd Ave S, now recommends that the appeal be denied, and that the findings prepared by the Planning Department staff be adopted.

Adopted 12/15/03.

Z&P - Your Committee concurs in the recommendation of the Planning Commission in denying the application of Everado Morfin and Abdiwahab Mohamed, for Sabri Commons Phase II (BZZ-1348), to rezone the property at 3013-33 - 2nd Ave S from C1 to the C2 District to permit conversion of space in one of the existing buildings of the Sabri Commons site from general retail to a reception hall and restaurant and to rezone the entire site of seven lots, and adopting the related findings prepared by the Planning Department.

Adopted 12/15/03.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the petition of the Minneapolis Park and Recreation Board (T294) to rezone the property at 2117 W River Rd by adding the Industrial Living Overlay District to the existing I1 District to permit a reception or meeting hall at the Park Board headquarters, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 12/15/03.

Ordinance 2003-Or-145, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2117 W River Rd by adding the Industrial Living Overlay District to the existing I1 District, was passed 12/15/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-145

By Schiff

1st & 2nd Readings: 12/15/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 1 and 2, Block 2, North Washington Industrial Center (2117 W River Rd - Plate 8) to add the Industrial Living Overlay District to the existing I1 District.

Adopted 12/15/03.

Z&P - Your Committee concurs in the recommendation of the Planning Commission in denying the application of Timothy Baylor, on behalf of JADT Development Group LLC (BZZ-1444), to rezone the property at 70-72 22nd Av N (Riverview Homes) to add the Industrial Living Overlay District to the existing I1 District and adopting the findings of the Planning Commission. Further, that the Planning Director be directed to refund the applicable application fees.

Samuels moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

Z&P – Your Committee recommends granting of the petition of Timothy Baylor, on behalf of JADT Development Group LLC (BZZ-1444), to rezone the property at 70-72 - 22nd Ave N (Riverview Homes) to add the Industrial Living Overlay District to the existing I1 District, and adopting the related findings prepared by the Planning Department, notwithstanding the recommendation of the Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 12/15/03.

Declining to vote - Niziolek.

Ordinance 2003-Or-146, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 70-72 - 22nd Ave N to add the Industrial Living Overlay District to the existing I1 District, was passed 12/15/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-146

By Schiff

1st & 2nd Readings: 12/15/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning

Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of the Westerly 250.00 feet of Lot 2, Block 1, North Washington Industrial Center, together with easement for ingress and egress over the south 10.00 feet of Lot 1, Block 1, of said addition, as set out in Deed Doc. No. 3806816 (70-72 - 22nd Ave N - Plate 8) by adding the Industrial Living Overlay District to the existing I1 District.

Adopted 12/15/03.

Declining to vote - Niziolek.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in denying the application of Todd Cushman (BZZ-1363) to rezone the property at 3639 - 1st Ave S from R1A to the R3 District to make an existing two-family dwelling conforming, and adopting the related findings prepared by the Planning Department.

Adopted 12/15/03.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the application of Paul Schoenecker (BZZ-1437) to rezone the property at 1728 W Lake St from R6 to the C1 District to permit an office and two dwelling units, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 12/15/03.

Ordinance 2003-Or-147, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1728 W Lake St to the C1 District, was passed 12/15/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-147

By Schiff

1st & 2nd Readings: 12/15/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of the South 73.00 feet of West 1.75 feet of Lot 10 and South 73.00 feet of Lot 11, Hill & Lathams Addition to Minneapolis, Hennepin County, Minnesota (1728 W Lake St - Plate 24) to the C1 District.

Adopted 12/15/03.

Z&P - Your Committee concurs in the recommendation of the Planning Commission to approve the Marcy-Holmes Neighborhood Master Plan, set forth in Petn No 269272, which is intended to provide direction on ensuring a more equal balance between owner-occupied and rental housing, a mix of housing types, improved connection to natural amenities and attractive design in new development, and to adopt the related findings prepared by the Planning Department.

Adopted 12/15/03.

Z&P - Your Committee recommends that the proper City Officers be authorized to execute a consultant contract with AMS Planning and Research, in association with Creative Planning, Inc, and the Center for the Study of Art and Community, for leading and creating the Minneapolis Plan for Arts and Culture.

Adopted 12/15/03.

MOTIONS

Schiff introduced the subject matter of an ordinance amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to *Zoning Code: Site Plan Review*, which was given its first reading and referred to the Zoning & Planning Committee (Revising the scope and standards of site plan review).

Goodman moved that the Council action of November 21, 2003 approving revisions to the development process administrative procedures relating to the transition to the Community Planning and Economic Development (CPED) Department be amended to include passage of the accompanying resolution.

Adopted 12/15/03.

Resolution 2003R-605, amending Resolution 96R-010 entitled "Approving Administrative Procedures for MCDA Program Guidelines, Development Objectives, Project and Finance Plans, Interdisciplinary Review of Development Proposals and a Development Finance Committee, passed February 9, 1996", was passed 12/15/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-605

By Goodman

Amending Resolution 96R-010 entitled "Approving Administrative Procedures for MCDA Program Guidelines, Development Objectives, Project and Finance Plans, Interdisciplinary Review of Development Proposals and a Development Finance Committee", passed February 9, 1996.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended as follows:

1. That the following administrative procedures be revised as indicated in Attachments 4A, 4B and 4C of Petn No 269194 on file in the Office of the City Clerk:

- Administrative Procedure for Preparing, Approving and Amending Development Objectives;
- Administrative Procedure for Preparing, Approving and Amending Project Plans and Finance Plans;
- Administrative Procedure for Preparing, Approving and Amending CPED Program Guidelines; and

2. That the Administrative Procedure for Review of Development Proposals by an Interdisciplinary Proposal Review Team be deleted from the Resolution.

Adopted 12/15/03.

Ostrow moved that the City formally endorses the agreement reached in the Metropolitan Emissions Reduction Program between Xcel Energy and other parties and that the proper City officers be authorized to execute the agreement. Seconded.

Adopted 12/15/03.

RESOLUTION

All Council Members offered a Resolution honoring Tammy Omdal for her service to Minneapolis as Budget Director and Director of Management and Budget.

Adopted 12/15/03.

(Not published. See Resolution 2003R-606 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution:

RESOLUTION 2003R-606

**By Johnson, Lane, Ostrow, Zerby, Samuels, Johnson Lee, Zimmermann,
Goodman, Lilligren, Schiff, Niziolek, Benson, and Colvin Roy**

Honoring Tammy Omdal for her service to Minneapolis as Budget Director and Director of Management and Budget.

Whereas, Tammy Omdal has served with extraordinary distinction as the City's Budget Director and Director of Management and Budget since April 21, 1999; and

Whereas, Tammy Omdal has never shied away from the City's most demanding and challenging financial problems, playing a crucial leadership role in improving the City's finances over the past five years; and

Whereas, Tammy Omdal has initiated or led work teams that developed deficit reduction plans for the City's troubled internal service funds, designed the City's first long term tax policy, prepared a long term demand study of property taxes, and directed the design of the City's business planning initiative; and

Whereas, Tammy Omdal has worked with two administrations to prepare five annual budgets totaling \$5.5 billion; and

Whereas, Tammy Omdal played a central and leading role in developing the City's response to the unprecedented 2003 reduction to the City's local government aids; and

Whereas, Tammy Omdal has conducted herself with the highest standards of professionalism and public service, acting always with integrity, dignity, and unrelenting perseverance to the best standards of public financial management; and

Whereas, Tammy Omdal has been a trusted and valued advisor to the Mayor, City Council, and Department Heads, taking complex financial problems and making them understood by decision makers and the public;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis commends Tammy Omdal and expresses its gratitude for her exemplary service to the citizens of the City of Minneapolis for her work as Budget Director and Director of Management and Budget.

Adopted 12/15/03.

UNFINISHED BUSINESS

New Fire Station #14 (2002 Lowry Av N): Authorization to obtain proposals for Architectural/Engineering Design Services for construction. (Postponed 10/24/03, T&PW)

T&PW - Your Committee, having under consideration the new Fire Station No. 14 at 2002 Lowry Av as part of the 2003 Public Safety Initiative Capital Program, now recommends that the proper City Officers be authorized to obtain proposals for architectural/engineering design services for construction of said project.

Adopted 12/15/03.

Replacement of Natural Gas Main (Bryant Av & 7th St): Authorize payment of \$35,437.27 to CenterPoint (Minnegasco) for damage caused by City crews

T&PW - Approved.

W&M/Budget - Sent forward without recommendation.

By unanimous consent, the above report continued to be postponed.

NEW BUSINESS

Goodman introduced an ordinance amending Title 16, Chapter 424 of the Minneapolis Code of Ordinances relating to *Planning and Development: Tax Levy to Secure Industrial Development Bonds*, which was given its first reading and referred to the Community Development and Ways & Means/Budget Committees for a public hearing to be held January 6, 2004. (To facilitate the transitioning of the Common Bond Fund to the City of Minneapolis).

Niziolek introduced ordinances amending Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection*, amending Chapter 47 relating to *Minneapolis Air Quality Management Authority* and Chapter 48 relating to *Minneapolis Watershed Management Authority*, which were given their first reading and referred to the Public Safety & Regulatory Services Committee (Amending pollution control fees).

Ostrow introduced an ordinance amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending Section 249.50 entitled "Alternatives to demolition").

Lilligren moved to adjourn. Seconded.

Adopted 12/15/04.

Adjourned.

Merry Keefe,
City Clerk.

Unofficial posting: 12/16/2003
Official posting: 12/18/2003
Correction: 2/24/2004;
3/16/2004;
4/13/2004